



Class PN 4111

Book M 44

Copyright N^o _____

COPYRIGHT DEPOSIT



1

RHETORIC

226
3048

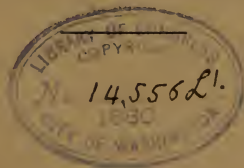
AS AN

ART OF PERSUASION.

FROM THE STANDPOINT OF A LAWYER.

37
8-15-15
Daniel F. Miller, Jr.

By AN OLD LAWYER.



DES MOINES, IOWA:
MILLS & COMPANY, LAW PUBLISHERS.
1880.

T

PN 4111
M 44

ENTERED ACCORDING TO ACT OF CONGRESS,
In the year one thousand eight hundred and eighty,
By MILLS & COMPANY,
In the Office of the Librarian of Congress,
at Washington.

MILLS & COMPANY,
STEREOTYPERS AND PRINTERS,
DES MOINES.

To STUDENTS OF LAW,

AND OTHER YOUNG GENTLEMEN WHOSE TASTE MAY
INCLINE THEM TO LEARN SOMETHING CON-
CERNING THE ART OF DEBATE
AND PUBLIC SPEAKING,

THIS ESSAY IS RESPECTFULLY INSCRIBED,

BY THE AUTHOR.

KEOKUK, IOWA, A. D. 1880.

PREFACE.

RHETORIC AS AN ART OF PERSUASION IN ITS APPLICATION TO FORENSIC DISCUSSIONS SPECIALLY, AND TO PUBLIC SPEAKING GENERALLY, FROM THE STAND-POINT OF A LAWYER.

HAVING been engaged in the almost constant study of the law and kindred subjects since the autumn of 1835, and in the practice of the law since the spring of 1839, it occurred to me several years ago, that my long experience at the bar might perhaps enable me to write something of practical utility and benefit not only to students of law and younger members of the legal fraternity, but also to other young gentlemen of literary tendencies and honorable ambition.

Reflecting upon a theme to write upon, I wondered at the fact that there are so many gentlemen of liberal education and good reasoning capacity, who yet cannot express themselves in public on the most trite subject without stammering and being abashed; and, especially, how many lawyers there are, who, though learned and skilled in the principles and precepts of law, are indifferent as advocates; and believing that acuteness in argument, and eloquence in speech, are, as a general rule, rather acquired powers than natural gifts, it occurred to me that if I could write with credit on any subject at all, I could use my pen to no greater advantage than to express my ideas briefly, but generally, concerning public speeches, whether at the bar or elsewhere; to instruct the student

of oratory with the statement of a few plain and practical rules, which if properly noted and observed, will the most speedily conduct him successfully to the goal of his ambition.

Accordingly in the spring of A. D. 1877, I embraced the opportunity to withdraw for a short period from professional and other business engagements, and wrote the essay, following, to-wit:

“Rhetoric as an art of persuasion in its application to forensic discussions specially, and to public speaking generally, *from the standpoint of a lawyer.*”

Although the state of Ohio is now justly distinguished for the efficiency of its common school system, and its many seminaries for instruction in the higher departments of literature, yet, when I resided there in my school-boy days, the system of common schools had not been adopted, and our means of education were very limited, being such only as could be got at private schools, which were usually taught in log buildings, and seldom longer than during the winter months of the year. Little or no attention was given by our teachers of those days to either elocution or rhetoric; and, indeed, I have no recollection of ever having received a lesson or heard a lecture in reference to tones and modulations of voice, or of the arrangement of words and sentences into a discourse or argument, until after I had passed into the years of manhood.

Indeed, in those days, in the section of country referred to, the speaking of the pulpit (where the preacher, with white neck-tie, stood erect in his dress of black, and read his sermon in monotonous tones from a manuscript before him, with one arm hanging at his side, and the other engaged in turning over sheets of paper), was considered the *par excellence* of attitude, gesticulation, and oratory; and an impassioned speaker, especially if he indulged in

much gesticulation, however graceful and natural it might be, would hardly have been tolerated.

The consequence was, that when I came to the bar, I was very deficient in the art of public speaking, and especially so in elocution, or mode of utterance with proper gestures; defects which still exist in me of which I am often painfully impressed. And I soon saw that if a lawyer would secure good retainers and win popular applause, it is not sufficient for him to be learned in the elements and practice of his profession, and to be enabled to explain the difference between the subject and predicate of a legal proposition; but he must also be enabled to advocate his client's cause in "thoughts that breathe, and words that burn."

I was then too far advanced in life, besides being too much hampered with business affairs, to attempt the study of elocution, which requires much practice and the aid of a competent teacher; but I still thought I saw some hope of my success at the bar, if I made a specialty of the study of rhetoric, and accordingly I devoted such time to its study as I could spare from my professional and other engagements during the first several years after my admission to the bar. I studied many American and English authors on the subject of rhetoric, but found nothing in them to compare in usefulness and thoroughness of instruction to Quintillian's Institutes of Oratory. He, it appears to me, has left nothing unsaid on the subject of rhetoric which can be profitable to study or know. His work is quite extensive, and it requires months of severe study to fully understand and appreciate it; but whoever will undergo the necessary labor, will find the rules and principles there laid down a never-ending source of both pleasure and profit.

Pope in his "Essay on Criticism," says:

"In grave Quintillian's copious works we find
The justest rules and clearest method joined."

For illustration of ideas and precepts, numerous quotations have been introduced into the essay. Quotations in frequent use, and the authors of which are supposed to be generally known, are indicated simply by quotation marks; but where supposed to be not generally known, the names of the authors are stated.

To aid the memory in its recollection of details, and also for advantage of reference, the essay is divided and subdivided into chapters and sections.

DANIEL F. MILLER, SR.

KEOKUK, IOWA, A. D. 1880.

CONTENTS.

	PAGE.
PREFACE, - - - - -	5

CHAPTER I.

WHAT RHETORIC IS, - - - - -	11
-----------------------------	----

CHAPTER II.

DIVISIONS OF A SPEECH, - - - - -	13
----------------------------------	----

SECTION 1.

Exordium, - - - - -	13
---------------------	----

SECTION 2.

Statement of the case, - - - - -	23
----------------------------------	----

SECTION 3.

Argument, - - - - -	40
---------------------	----

SECTION 4.

Peroration, - - - - -	79
-----------------------	----

CHAPTER III.

	PAGE.
FIGURES OF SPEECH, - - - - -	85
Metonymy, - - - - -	86
Synechdoche, - - - - -	87
Exclamation, - - - - -	87
Comparison, - - - - -	88
Metaphor, - - - - -	93
Allegory, - - - - -	95
Hyperbole, - - - - -	99
Rhetorical dialogue, - - - - -	100
Interrogation, - - - - -	124
Personification, - - - - -	124
Vision, - - - - -	134
Apostrophe, - - - - -	136
Antithesis, - - - - -	140
Epimone, - - - - -	146
Irony, - - - - -	149
Climax, - - - - -	152

CHAPTER IV.

GENERAL REFLECTIONS on speech delivery, natural and artificial language, and application - - -	157
---	-----

CHAPTER V.

CONCLUDING REMARKS, - - - - -	176
-------------------------------	-----

RHETORIC AS AN ART OF PERSUASION.

CHAPTER I.

WHAT RHETORIC IS.

RHETORIC in its most comprehensive sense, is, simply, *the art of persuasion*, whether by written or printed compositions, by private conversations, or by public speeches; but in its most common signification, it is the art of persuasion by public speaking, commonly called oratory.

Rhetoric and logic are sometimes confounded in idea, but they are not the same in signification in all regards.

Logic in its strict meaning is simply the art of thinking and reasoning correctly. Its purpose is to direct the understanding correctly "in its investigation of truth, and the communication of it to others." But it aims not to influence the will, except so far

as truth in its simple and unadorned garb can accomplish that purpose. The leading idea of logic is truth for its own sake, and the influencing of the will is only one of its incidents.

But the chief purpose of rhetoric is to influence the will, and hence logic is necessarily a part of rhetoric, since a speech which is not more or less supported by reasoning, is simple rhapsody.

Rhetoric arranges arguments in the mode best calculated to make impression, and instructs how to avoid the devices of the sophist; it calls to its aid the glow of imagination, the brilliancy of wit, the shading of sympathy, the flowers of poetry, the graces of elocution or delivery, and the figures of speech. In a word it (rhetoric) considers man an emotional as well as rational being, and addresses him accordingly. In the terse language of Rev. J. G. Wilson, "Conversation is not oratory; lecturing is not oratory; the orator is the effective persuasive speaker. Eloquence is logic set on fire; it quickens the emotions, it incites the sensibilities, it prompts the will to action."

CHAPTER II.

DIVISIONS OF A SPEECH.

ORDER and system are God's first law of nature for the government of the material universe, and every one who has devoted much time to literary pursuits, knows, that order and system are equally essential for the successful pursuit of knowledge, and that without them, the effort will be barren of results. Oratory is no exception to these rules, and the simplest order and division of a speech by which it may be most readily and successfully attained, is, into *1st. Exordium*, *2nd. Statement of the case*, *3rd. Argument* (consisting of confirmation and confutation), and *4th. Peroration*.

SECTION 1.

Exordium.

The Exordium is the commencement of the speech; it is the self introduction of the speaker to the audience, and its purpose is

to conciliate them, and prepare their minds to give the cause he advocates, if not a favorable, at least an impartial hearing. The exordium can be seldom dispensed with to advantage, since if it is judiciously handled, it not only secures an impartial reception from the hearers, but also constitutes an embellishment of what is to follow, the same as a stately building shows to more architectural advantage, with a properly adjusted portico at its front external opening or entrance.

When the audience is laboring under a high pressure of mental excitement, and especially if in known sympathy with the speaker, he may often with advantage omit the exordium altogether, as Cicero did in his famous speech against Cataline, commencing; "How far, O! Cataline! wilt thou abuse our patience? How long shall thy frantic fury baffle the ends of justice?"

A proper respect for the audience requires that the exordium should, as a general rule, be spoken in a low, modest, and subdued tone of voice; but common sense and experience are the only true guides of what should constitute the subject-matter of the exordium. If the audience is favorably disposed,

a few words generally suffice for an exordium; but if otherwise, a longer introduction of conciliatory ideas and expressions is necessary.

Able logicians, so far as dry argument is concerned, often fail as advocates and popular speakers, because of not approaching their hearers with a becoming introduction; while others with less logical ability, but more practical sense, by proper words of conciliation at the start, carry off the palm of victory.

And although the exordium is the commencement of the speech, it should seldom if ever be prepared until the other parts of the address are fully matured and settled upon. As in building a house the portico is the last thing to be erected, and must be constructed to bear a proper relation to the other parts of the main edifice, so the exordium though placed at the front of the speech, cannot be judiciously prepared until what is to follow shall be fully matured and known. In hearing a set speech the educated mind can generally tell before the address is half through whether the exordium is prepared first or last; and if first, in nine cases out of ten there will be such an incon-

gruity in the several parts of the discourse, that it will be pronounced a failure. On several occasions I have heard speakers of considerable celebrity commence with lengthy and stately exordiums, and follow with arguments which had hardly a good or solid idea in them. A grandiloquent or flashy opening, followed by a dearth of argument, is always offensive to the intelligent ear, and should be avoided.

Cicero was particularly careful in the preparation of his exordiums. And it would be well for the student of oratory to study him in this regard with special attention. His plan, usually, was first to mature his argument, and then prepare the exordium, though he sometimes commenced without an exordium, as in his speech against Cataline, heretofore referred to, where the excitement of the occasion engaged him in debate, without regard to the formal parts of oratory.

Whoever is able to speak at all in public, and will go to the trouble of studying the exordiums of the eminent orators of modern and ancient times, will hardly ever fail when he arises to address an audience, in saying such things in his opening remarks as will secure him a favorable hearing. Orators are

not born such, but made by severe study; and though the two great orators of antiquity (Cicero and Demosthenes) were each unquestionably endowed with good natural genius, yet it was their application and study of the masters who preceded them, united with their gifts of nature, which enabled them to reach the pinnacle of oratorical character and fame. The world is full of instances where men of but moderate intellectual endowments, have by study and application excelled others in the field of oratory, whose natural genius was indisputable, but who were too idle to properly improve the faculties with which God had blessed them.

EXAMPLES OF EXORDIUM.

American Declaration of Independence.

The Declaration of Independence contains in its first paragraph a most pertinent and elegantly expressed exordium; thus:

“When in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth the separate and equal station to which the laws of nature and of nature’s God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.”

Next follows a specification of the causes and justification of separation, which in rhetorical idea, is, simply, "a statement of the case," (which will be explained hereafter) commencing: "We hold these truths to be self-evident," etc., etc.

CICERO.

During the rule and proscription of Sylla when great personal danger followed any opposition to the wishes or measures of that cruel and relentless tyrant, one of his freedmen, and a favorite, too, of the tyrant, wishing to get possession of a farm owned by one Roscius, fabricated against him the charge that he had been guilty of parricide, and not only prosecuted him for that alleged crime, but, also, even produced a witness who swore, though falsely, to the truth of the allegation. The case was tried to judges, there being no jury trial known to Roman jurisprudence, and had Roscius been convicted, his life would have been sacrificed, and his property would have been sequestered for the benefit of his accuser.

Roscius applied for assistance to old and experienced advocates, but who declined to defend him for fear of the displeasure of

Sylla, and as a last resort he applied to Cicero, who nobly undertook his defense and defended him, and by his eloquence procured an acquittal.

This defense was made soon after Cicero first appeared as a pleader of causes in law proceedings, and it is alleged that the speech from which the following example of exordium is taken, was the first ever made by him in a criminal proceeding:

“I imagine that you, O judges, are marveling why it is that when so many most eminent orators and most noble men, are sitting still, I, above all others, should get up, who neither for age, nor for ability, nor for influence, am to be compared with those who are sitting still. For all these men whom you see present at this trial, think that a man ought to be defended against an injury contrived against him by unrivaled wickedness; but through the sad state of the times they do not dare to defend him themselves. So it comes to pass they are present here because they are attending to their business, but they are silent because they are afraid of danger. What then? Am I the boldest of all these men? By no means. Am I then so much more attentive to my duties than the rest? I am not so covetous of even that praise, as to wish to rob others of it. What is it then which has impelled me beyond all the rest to undertake the cause of Roscius? Because if any one of those men, men of the greatest weight and dignity, whom you see present, had spoken, had said one word about public affairs, as must be done in this cause, he would be thought to have said much more than he really had said; but if I should say all the things

which must be said, with ever so much freedom, yet my speech will never go forth, or be diffused among the people in the same manner. Secondly, because anything said by the others cannot be obscure, because of their nobility and dignity, and cannot be excused as being spoken carelessly, on account of their age and prudence; but if I say anything with too much freedom, it may either be altogether concealed, because I have not yet mixed in public affairs, or pardoned on account of my youth; although not only the method of pardoning, but even the habit of examining into the truth is now eradicated from the state. There is this reason, also, that perhaps the request to undertake this cause was made to the others so that they thought they could comply or refuse without prejudice to their duty. * * * On these accounts I have stood forward as the advocate in this cause, not as being the one selected who could plead with the greatest ability, but as the one left of the whole body who could do so with the least danger."

HENRY CLAY.

Henry Clay usually introduced his speeches with stately and beautifully expressed exordiums. In 1842 he introduced into the Senate of the United States, several resolutions relative to the revenue, public lands, tariff, etc., as indicative of "A true public policy"; and in his speech advocating them, commenced as follows:

"MR. PRESIDENT: The resolutions which are to form the subject of the present discussion, are of the greatest importance, involving interests of the highest character, and a system of policy, which in my opinion, lies at the bot-

tom of any restoration of the prosperity of the country. In discussing them, I would address myself to you in the language of plainness, soberness, and truth. I did not come here as if I were entering a garden full of flowers and of the richest shrubbery, to cull the tea roses, the japonicas, the jasmines and woodbines, and weave them into a garland of the gayest colors, that by the beauty of the assortment, and by their fragrance, I may gratify fair ladies. Nor is it my wish, (it is far, far from my wish) to revive any subjects of a party character, or which might be calculated to renew the animosities which have unhappily hitherto prevailed between the two great political parties in the country. My course is far different from this; it is to speak to you of the sad condition of our country; to point out not the remote and original, but the proximate, the immediate causes which have produced, and are likely to continue our distresses, and to suggest a remedy.

“If any one, in or out of the Senate has imagined it to be my intention on this occasion to indulge in any ambitious display of language, to attempt any rhetorical flights, or to deal in any other figures than figures of arithmetic, he will find himself greatly disappointed.

“The farmer if he is a judicious man, does not begin to plough until he has first laid off his land, and marked it off at proper distances by planting stakes by which his ploughmen are to be guided in their movements: and the ploughman accordingly fixes his eye upon the stake opposite to the end of the destined furrow, and then endeavors to reach it by a straight and direct furrow. These resolutions are my stakes.”

DEMOSTHENES.

When Demosthenes delivered his first speech against the king of Macedon which

was followed by several others, all of which are now termed his "Philippics," he was but thirty years of age, which made it necessary for him to apologise in his exordium "for his zeal in rising before the other speakers," and which he did in the following terse and expressive terms:

"ATHENIANS: Had we been convened on some new subject of debate, I had waited until most of the usual persons had declared their opinions. But since those very points on which these speakers have oftentimes been heard already, are, at this time, to be considered, though I have risen first, I presume I may expect your pardon; for if they on former occasions had advised the necessary measures, ye would not have found it needful to consult at present."

PATRICK HENRY.

The great Virginia orator was much opposed to the change from the Articles of Confederation, to the United States Constitution, and in the Virginia Convention of 1788, to consider the question of the adoption of the Constitution, opposed the change in a speech remarkable for its energy of both thought and language. The following was its exordium:

"MR. CHAIRMAN: The public mind, as well as my own, is extremely uneasy at the proposed change of government. Give me leave to form one of those who wish to

be thoroughly acquainted with the reasons of this perilous and uneasy situation, and why we are brought hither to decide on this great national question. I consider myself as the servant of the people of this commonwealth, as a sentinel over their rights, liberty, and happiness. I represent their feelings when I say that they are exceedingly uneasy, being brought from that state of full security, which they enjoy, to the present delusive appearance of things. Before the meeting of the late federal convention at Philadelphia, a general peace, and an universal tranquillity prevailed in this country, and the minds of our citizens were at perfect repose; but since that period they are exceedingly uneasy and disquieted. * * * If our situation be thus uneasy, whence has arisen this fearful jeopardy?"

SECTION 2.

Statement of the Case.

After the exordium, the next step properly in the course of a speech, is, what is termed a "Statement of the Case," which is defined by Quintillian to be, "An account of a thing done or suffered to be done." Apollodorous, a writer previous to Quintillian, defines it to be, "A narrative to inform the audience what the matter in question is," and which is the more perspicuous and accurate definition.

Lawyers when addressing a court in a legal proceeding, seldom find difficulty in presenting an appropriate statement of the

case when it relates simply to a question of law; but when it is one of fact, the ascertainment of which requires research into evidence of a complicated or contradictory character, there is nothing probably in the practice of the law more perplexing to comprehend, or difficult to explain in clear and expressive terms, than a statement of the case; to state it in such terms that they who are to decide the question in controversy, shall properly understand its salient points, and be the better enabled to comprehend the evidence as it is introduced, and arrange it under methodical consideration.

The clergy usually commence their sermons by reading a text or portion of scripture, to be followed by argument, exposition, or exhortation; and, consequently, they find less difficulty in presenting the statement of the case for the consideration of their hearers.

Lecturers on scientific subjects frequently find it quite difficult to find terms sufficiently clear and expressive, to enable the common class of hearers to properly comprehend the point or question to be discoursed upon.

But be the subject matter of the discourse

or controversy what it may, it is very certain that no one well versed in the art of rhetoric as applied to public speaking, will engage in a general discussion on the merits of the matter under consideration, until he shall have first made a statement of the case in terms explicit and clear to the most ordinary comprehension. A partial discussion of the question, before a statement of the case, may be, under certain conditions, advisable, as will be explained hereafter in the remarks concerning argument.

To argue a matter in detail without having first defined its parts and general properties in precise and proper terms, is like putting a cart and its load before the horse, and compelling him to push it ahead of him, instead of placing it behind him where he will have the advantage of the draw. And yet how many speeches are delivered where the audience has to listen until it becomes wearied, before it can ascertain the point or points the speaker is aiming to advocate or controvert!

When the hearer comprehends at the start the question to be discussed, his curiosity will naturally incline him to give a willing ear to learn on which side of the case the

truth lies, or where the weight of the argument is to be found.

The sophist when he finds he is most likely to be worsted by legitimate reasoning on the general merits of the matter in controversy, will seek to create a new issue, or to confine the discussion to one or more of its parts or properties, which may be more or less susceptible to unfavorable criticism, and win success, if possible, in a display of words and assumed confidence. Hence the speaker who feels that he has right on his side, should not only confine his remarks closely to the question in controversy, but watch, also, to see that his antagonist does not depart from it, and originate what in law is termed a "false issue," and in logic "a misapprehension of the question," of which more will be said hereafter.

The rule recommended by Blair, in his treatise on rhetoric, relative to forensic discussions, to-wit: "To show clearly in the statement of the case, what is the point in debate, what we admit, what we deny, and wherein is our disagreement with the adverse party," is a rule which applies with equal force to all discourses of a controversial character.

Mr. Lincoln, though not always very choice or elegant in his language, owing doubtless to his defective early education, yet was one of the most effective public speakers whom the United States has produced. He had a peculiar gift of "putting things," as he termed it, in such shape, that the point he advocated or opposed, would be readily understood by all. When asked how it was that he could so readily and clearly state a proposition, he replied:

"Among my earliest recollections I remember how, when a mere child, I used to get irritated when anybody talked to me in a way I could not understand. I don't think I ever got angry at anything else in my life. But that always disturbed my temper. I can remember going to my little bedroom after hearing the neighbors talk of an evening with my father, and spending no small part of the night walking up and down and trying to make out what was the exact meaning of some of their, to me, dark sayings. I could not sleep, though I often tried to, when I got on such a hunt after an idea until I had caught it, and, when I thought I had got it, I was not satisfied until I had put it into language plain enough, as I thought, for any boy I knew to comprehend. This was a kind of passion with me; it has stuck by me; for I am never easy now, when I am handling a thought, till I have bounded it north, and bounded it south, and bounded it east, and bounded it west."

Hon. J. F. Dillon, whose learning as a lawyer, and whose long experience as a judge,

first of the Supreme Court of Iowa, and next of the Circuit Court of the United States, gave him superior opportunity to judge discreetly of whatever relates to forensic speaking, has done me the favor in a letter in reply to one I had previously sent him, to give me his views in relation to the statement of the case, which are so pertinent, well considered, and elegantly expressed, that I feel quite thankful in having them before me to publish; and which are as follows; to-wit:

“Nothing can exceed the importance of a proper statement of the case in a law speech. (Not one lawyer in twenty can state a case neatly, logically, compactly.) They begin in the middle, they introduce irrelevant and immaterial matters, useless details, and everything else that is bad. A case ought to be opened leaf by leaf as a rose unfolds. The late Judge Curtis was a model lawyer, and every student ought to study the cases reported in his two volumes of Circuit Court reports, with the sole aim of learning how to state a case. The opinions of Chief Justice Marshall are admirable in this respect.”

Judges Curtis and Marshall well deserve the compliment extended to their memories by Judge Dillon in the lines above quoted. Their fame as lawyers and upright judges, is the pride and glory of the American bar. Their decisions in cases adjudicated by them, constitute a store house of legal literature,

which the student of law will do well to visit frequently, to gather treasure for use in his future professional career. He may by close study and application learn from elementary law treatises what the law is, and what relation it bears in general to human affairs; but if he would get to its depths and stand eminent as an advocate, he must familiarize himself with judicial decisions which explain the principles on which law is based, and exemplify its reason and spirit by special examples and illustrations.

Hedges, in his neat and elegant treatise on logic, says, a "misapprehension of the question," is, "when the arguments employed are of a nature to establish some other point foreign to the question in debate, as if a person should attempt to prove that Alfred the Great was a scholar by affirming only that he founded the University of Oxford, or that Peter the Hermit was not a christian, by proving that he was an ignorant fanatic. Neither of these facts" (continues Hedges, truly) "has any necessary connection with the question to be proved, for a man may be a patron of science without being learned himself, and an ignorant fanatic may be a believer in christianity."

The "misapprehension of the question," is the reverse in idea, to that rule of law which requires evidence to correspond with the allegations contained in the pleadings of contestants, and to be confined to the point or points in issue between them; and which rule excludes all evidence of collateral matters which do not raise a presumption or inference in affirmation or denial of the question in controversy.

Examples.

1. Thus between a landlord and tenant on the question whether the rent was payable quarterly or half yearly, evidence of the mode in which other tenants paid their rent to the same landlord was excluded as irrelevant.

2. When the question was as to the quality of beer to be furnished by the plaintiff to the defendant, it was held that evidence could not be admitted of the quality of beer supplied by the plaintiff to other persons. But had it been further proved that the beer furnished to the other persons, came out of the same cask or vessel as the beer in controversy did, then such evidence would have been competent.

3. Upon the trial of an issue whether smoke issuing from the manufactory of A, was prejudicial to the premises of B, evidence that A had paid money to C, the owner of premises adjacent to those of B, for alleged damage occasioned by the smoke, is irrelevant and not admissible.

4. In an action for slander for accusing a teacher of ill treatment of his scholars, evidence of the treatment of scholars in any other particular school, is not relevant.

5. Thucydides relates that in an assembly of Athenians called to consider on the conduct of the Mitylenians, who had been guilty of revolt, Cleon indulged in severe denunciation of the revolters, and demanded they should be put to death. But Diodutus turned the force of the invectives of Cleon, by explaining to the Athenians that they were not sitting in judgment, but in deliberation, of which the proper end is expediency.

6. A charge that defendant diverted and turned a stream of water, is not sustained by evidence that he interrupted its course by a dam, and caused it to flow back upon plaintiff's premises.

7. Action by husband and wife upon a promise made to them jointly, is not sustained by evidence of a promise made to her before marriage.

8. Action on alleged contract to build a ship, is not sustained by evidence showing the contract was to finish a ship already partly built.

9. Action on a demise for three years, is not sustained by evidence of a lease for one year certain and two year's further possession, on same terms, by consent of the owner of the land.

10. A sued B and C for six head of beef cattle, sold and delivered to them jointly. B made no defense, and C defended, and by his plea denied he had either separately, by himself, or jointly, with B, bought said cattle. On the trial A introduced evidence tending to show that he had sold and delivered the cattle to B and C jointly; and C (being a competent witness for himself where the trial occurred) testified that he did not either separately or

jointly buy said cattle from A. C was then proceeding to testify that he had bought four of the cattle from B, who had bought the cattle from A; but the court rejected and ruled the evidence in regard to the purchase from B as incompetent for irrelevancy; the issue being not whether C had purchased of B, but whether B and C had jointly purchased of A.

11. A, as indorsee of a promissory note, sued B on his indorsement of said note, and in his petition averred demand, notice, and protest, which were necessary requisites to be alleged in the petition, and to be proved on the trial, to enable A to maintain his action. But on the trial A failed in his proof of demand, notice, and protest, and then sought to maintain his action by proof that subsequent to the time for demand, notice, protest, B, with full knowledge of the facts, had agreed to pay the note; but the court ruled against the admission of that evidence, because it had not been made an issue in the pleadings.

12. Where in a suit on a written contract for sale and delivery of corn, the only plea of defendant was that he did not execute the writing sued upon. Defendant failing in the evidence on the plea he had made, sought to get rid of the action by an offer to prove that subsequent to the execution of the contract, a new arrangement had been made, which released him from his obligation to deliver the corn; but the court refused to admit that evidence, because it was not relevant to the issue created by the pleadings.

13. A sued a railroad company for an injury to his person occasioned (as his petition alleged) by the negligence of defendant in not keeping its road-bed where the injury occurred in proper repair, and on the trial offered evidence to prove that the road-bed was out of repair generally, and at other parts as well as where he was injured; but

the court ruled against the evidence, because the issue did not relate to the general character of the road as to its safe or unsafe condition, or whether there were other parts of the road-bed in an unsafe condition; but whether the road was unsafe where A was injured, and whether it (the place where A was injured) was, under the facts detailed by the evidence, negligence in defendant not to have discovered its condition and have had it repaired before A was injured.

14. In an action against a railway company for damages for causing the death of plaintiff's intestate, evidence to the effect that the company offered to pay the latter's funeral expenses, is not material.

15. In the trial of a contested election case, evidence respecting mistakes made in the count of votes for other officers voted for at the same election, is immaterial.

16. Occasionally are to be found clergymen who have had the advantages of a collegiate education, and are well educated in general literature, as well as Bible reading, and, yet, when they preach, will discourse on almost any other point of religious doctrine than the one which the text they have read specially relates to. This comes from negligence of thought, and can be obviated by very little care and attention. To make preaching effective, and leave lasting impression on the minds of the congregation, the clergyman should confine the argumentative part of his discourse, as near as possible, to the idea contained in the text, and, especially so, as the peroration in a speech from the pulpit opens a wide field for digression and exhortation.

“The chief requisite,” remarks Quintillian in his Institutes of Oratory, “is to keep the point in dispute, and that which we wish to

establish, constantly before our eyes; because if we keep to one object, we shall not be led into useless altercation, or waste the time due to the cause in railing."

What is termed in law "special pleading," which requires each party to state in precise and formal words the fact or facts on which he relies for cause of suit, or for ground of defense, as the case may be, is specially well calculated to educate the mind to the close observance of the issue in controversy, and to the rejection of everything of an irrelevant character.

A thorough knowledge of "special pleading," is of special importance to the student of law, because, as expressed by Judge Story, it (special pleading) "contains the quintessence of the law, and no man ever mastered it who was not by that very means, made a profound lawyer."

And when he (the student of law) is admitted to the Bar, and is engaged in the trial of a cause, he should, especially, if the trial be to the jury, watch closely to prevent the admission of evidence not strictly relevant to the issue made by the pleading, or which may be incompetent for any other cause. Because though after the admission

of evidence which is not legally competent, it should be subsequently ruled out by the court, and the jury be instructed to disregard it, yet, possibly, notwithstanding such ruling by the court, it may make a lodgment more or less in the minds of the jurors, and in a case doubtful on the legitimate evidence, influence them to give the benefit of the doubt to the party whose evidence is ruled out after being heard by them, especially if that evidence inclines to his favor.

It is difficult for jurors unlearned in law to always appreciate the reasons for the withdrawal of evidence by the court which has once got before them, and the best way to keep them out of that embarrassment, is diligently, to watch and prevent the admission of improper evidence, by objecting to it and resisting it at the threshold.

The ordinary place for the statement of the case is immediately after the exordium; but sometimes it may be placed with advantage before the exordium; and where the question at issue is, from any cause, already properly understood by the audience, a formal statement of the case may with propriety be omitted altogether.

There is no certain rule in oratory as in

mathematics, and experience and common sense will often not only allow, but show, an advantage in departure from the ordinary rules of speaking.

If circumstances require a formal statement of the case, but for some special reason it is required to precede the exordium, it may be well, after the exordium is delivered, to again re-state the issue, or issues, in controversy; for the exordium and statement of the case are parts of the same intellectual edifice, and to have their full force and effect in the way of persuasion, should, as a general rule, stand in close proximity with each other, with the exordium in front.

This essay having at my request been reviewed by that distinguished divine, and eminent pulpit orator, Rev. W. S. CRAIG, pastor of the First Presbyterian Church of Keokuk, Iowa, he favored me with several criticisms which I approved, and changed the essay to conform thereto. He also penned a criticism on what is said in the essay several pages back in reference to the statement of the case from the pulpit, which though I do not fully acquiesce in, yet because of the learned source from whence the criticism comes, and that it is but fair to

let the pulpit speak for itself, I here give a copy of it as follows; to-wit:

"Touching your statement of the case when you say 'The pulpit has less difficulty in the statement of the case,' I would differ with you here. The clergyman has a far more promiscuous audience to deal with than falls to the lot of the lawyer, whose addresses are directed to judges and juries. So it becomes a matter of extreme delicacy and difficulty for the clergyman to strike the proper medium in the statement of his case, so as not to offend the delicate taste of the cultivated and refined, nor yet go beyond the capacity of his humble hearers.

"Another difficulty arises from the nature of the themes that form the subjects of pulpit discourse; men have got so used to them as to regard them in a great degree as matters of course. In dealing with the great questions of sin and personal holiness, it becomes a task of extreme difficulty, to state them so as they shall reach the individuality of the personal conscience.

"It is a very conceivable thing, and a matter which the experience of all clergymen can testify as common, for a person to listen to a discourse in which the deformity of sin is portrayed even with graphic power, and yet look upon it as the portraiture of a great abstraction, having no connection with the personal self, and, therefore, exciting very little of his interest. But with the subjects of the bar it is altogether different. The concrete form in which they are presented, enables the speaker to arouse the attention with far less effort. The interest of an audience can be far more easily excited in regard to the enormity of injustice by seeing it embodied in a human personality; while on the part of the clergyman it requires a great amount and fertility of inventive genius, 'to state his case' upon subjects with which men are very familiar in a way that will arouse and compel attention.

"Then again the clergyman must every week 'project' his discourse before he can go a single step. The lawyer has his discourse 'projected' by the circumstances and facts of the given case."

Hon. S. F. MILLER, Justice of the Supreme Court of the United States, who stood in the front rank of the advocates and lawyers of Iowa, before he was appointed to the bench, has favored me with a criticism of this essay, which so far as it relates to the statement of the case, I will here copy. Judge Miller's ability as an advocate united with his long experience as a justice of the Supreme Bench of the United States, before which tribunal the best oratorical talent of the United States frequently appears and speaks, give peculiar importance to his views as expressed to me, and here copied, as follows:

"The meaning of this phrase" (statement of the case) "is such a preliminary statement to the judge or jury of the matters of law or of fact, or of both, as will enable the persons addressed to comprehend the nature of the questions to be discussed, and the main proposition on which the speaker relies to establish his case. These are afterwards amplified, illustrated, and sustained by references to testimony, to the inferences to be deduced from that testimony, and to principles of law involved in the case, supported by appropriate citations of authority.

"But to enable the judge or jury to understand fully, and appreciate correctly, the force and value of the more

elaborate argument, it is necessary in the first instance to give a clear view of the aspect of the case; of the matter to be decided, and of the elements of which that decision must be composed. This object is not successfully attained either by the announcement that certain abstract questions of law are necessary to be decided in the judgment to be rendered, nor that certain items of evidence will be introduced.

“The counsel whose duty it is to make the opening statement for his side of the case, should have a clear theory of that case; a theory around which he should group all the facts which he admits as established for the other side, and those which he intends to rely on as proved by his own. And while he need not in terms state what that theory is, his statement of the case, should conform to it strictly; should suggest it to the mind of the court or jury, with such a distinct and clear perception of it, that the legal propositions appropriate to counsel's view of the case seem naturally to arise out of the statement.

“It is such a statement as this, that has given rise to the remark, almost become trite, of many eminent lawyers: ‘That their statement of the case is more convincing than the full argument of other men.’ The faculty of doing this in perfection is rare; but cultivation and close attention to the best models, and an effort to discover what such a statement is, and what it is not, will be rewarded with a reasonable degree of success in any well regulated mind.

“It is also important to understand that a chronological, or other detailed statement of the evidence, with numerous dates, and names of witnesses, is *not* such a statement. Nothing is such a statement which the mind of an ordinary man cannot carry with him, and remember without taking notes. No reference to cases and pages in law books, nor any abstract announcement of legal proposi-

tions unconnected with the facts to which they are to be applied, will answer the requirement. The propositions of law and of fact on which counsel rely must be stated so as to show clearly their relation to each other, and be so plainly expressed as to present a chart of the road to be traveled, without a map in detail of the country through which that road is to go.

"I wish to express my cordial approval of the remarks under the head of fallacies, as to the effect of counsel being carried away from the strong points of their case by the art of an opponent who insists upon discussing other matters.

"My experience teaches me that more sound lawyers and able advocates are misled by this artifice, to the prejudice of their cases before the court and jury, than by any other.

"Such has always been my opinion of the value of choosing the ground on which the battle is fought, that when at the bar, it was my practice contrary to that of most lawyers who had the right of choice, to open the argument, rather than close it, where two speeches were to be made on the same side.

"A skillful lawyer in opening a case will often be able to throw so much doubt around a clear matter, or give so much importance to an immaterial one, that his unwary opponent follows him into the web of sophistry, when he could have stood secure on ground of his own selection."

SECTION 3.

Argument.

Every statement of a case contains one or more propositions; to-wit: That which is stated or affirmed for discussion, exposition,

or illustration; and an argument is a reason, or reasons, for, or against, such proposition, or propositions.

The argument for the proposition, is, in rhetoric, called "*Confirmation*," and that against it, "*Confutation*,"

Natural reason frequently expresses itself with considerable force and clearness, especially on common-place subjects, or such as are simply personal to the speaker. Thus the child in its simple terms can make known its wants and grievances, and at times very effectively; and so can the adult savage.

But a discourse relative to art or science, requires the aid of cultivated reason always; and there is not perhaps in the whole circle of literature, anything which requires more study and reflection than what pertains to argument generally.

Cicero draws a comparison between educated and uneducated reason, and shows the advantage of education bestowed upon good natural parts, very expressively, thus:

"Nature without learning is of greater efficacy towards the attainment of glory and virtue, than learning without nature; but when to an excellent natural disposition the embellishments of learning are added, there results from this union something great and extraordinary."

Whatever infers or deduces consequences from a fact or facts proved or known, or from premises assumed without proof or knowledge, is an argument; and as the sources of inference and deduction are numberless, so it has been found convenient for purpose of reference and illustration, to divide argument into species or classes, and to speak of it under various titles and designations.

1ST. INDUCTION.

The most common designation of argument is "Induction," which, as defined by Whately, "infers respecting a whole class, what has been ascertained respecting one or more individuals of that class." From a number of instances it infers some general result or conclusion; and sometimes from one instance it infers a general result or conclusion.

Examples.

1. Having by experiment ascertained that iron or any other special metal when brought under a certain influence of heat will melt, we conclude that each kind of metal of the one or ones experimented upon, will, also, in all cases, melt when placed under a like influence of heat. That is induction from instance, or individual, to individual.

2. Having by experiment ascertained that a certain number of metals; to-wit: gold, silver, lead, iron, and copper, will melt when placed under certain degrees of heat, we naturally enough infer that all other metals are also fusible. This is induction from particulars to a whole class.

3. Experience demonstrates that nature is, as a general rule, uniform in its operations;

“That it acts by general, not by partial laws;” and hence when we have placed in the fire a number of varieties of wood and other vegetables, and find each and all experimented upon burns, we legitimately infer that all wood and other vegetables will burn; as well those not experimented upon, as those experimented upon.

4. From the fact that such material objects as come under our observation, when raised above the earth and their support withdrawn, fall back to the earth, we properly infer the general result, that all material objects are subject to the attraction of gravitation.

5. We see men daily dying around us, and that no one as far as our acquaintance extends, is exempted from the laws of mortality, and hence infer, very properly, that all men are mortal.

6. We learn the peculiar traits and habits of a certain limited number of the brute creation, and from them infer that all other animals of their species and class, will, under like conditions, manifest substantially like habits and dispositions.

7. Concerning a person whose past life has been noted for good moral principles and application to business, we infer like conduct of him in the future, and entrust him with our most important business affairs.

8. A defendant in a criminal trial may introduce evidence of his general good moral character in the neighborhood where he resides, because whatever it may be, it is built on his general conduct and actions in intercourse with his fellow men, and which, when good in general, implies more or less a negative of guilt in any one particular thing; and which though not conclusive evidence of innocence, is yet frequently of much importance to a defendant when the evidence is not positive or clear against him. Also, whether in a civil or criminal trial, evidence may be introduced to impeach the credibility of a witness whose general character for truth is bad in the neighborhood where he resides, because it is a legitimate inference that one whose general habit is falsehood in business or other relations with his fellow men, is not to be received as a credible witness even in a judicial proceeding; and where a witness has knowingly and corruptly sworn falsely to any one matter material to the issue in a legal controversy, his testimony on all points in that trial is to be discredited if not discarded, on the idea, that where the fountain is shown to be foul, whatever comes from it will most probably partake of its vileness; the rule being "false in one, false in all," or as it is expressed in Latin from whence the maxim is drawn; "*Falsus in uno, falsus in omnibus.*"

9. From a number of particulars in animated nature, where each and all show design and the adaptation of a means to an end, we are led to the irresistible inference of a divine authorship over all. The solar system and the starry world beyond, countless in number, and each governed by fixed and invariable laws, and moving in harmony, tends to the same inference.

The psalmist awe-impressed with the wonders of the celestial world, exclaimed:

"When I consider the heavens, the work of Thy fingers;

the moon and the stars which Thou hast ordained; what is man, that Thou art mindful of him? and the son of man that Thou visitest him? For Thou hast made him a little lower than the angels, and hast crowned him with glory and honor. * * * O Lord, our Lord, how excellent is Thy name in all the earth!" *8th Psalm.*

10. Lawyers in cases involving questions of fact, argue inductively, when they examine and criticise each item and instrument of evidence separately, and finally press forward their united force as tending to establish the proposition they advocate, or to disprove that to which they are opposed.

ARISTOTLE AND BACON.

It has been said and written by some, but not truthfully, that Bacon is the founder of the inductive style of reasoning, and that Aristotle is the author of the syllogism. It is strange that any one should have fallen into such an error when as a matter of fact, induction is now, and has ever been, the common vernacular of human speech, and, besides, there are plenty of books extant which contain numberless instances of the use both of the inductive and syllogistic styles of argument, written ages before the name of either Bacon or Aristotle adorned the page of history.

Aristotle wrote learnedly concerning the syllogism, and presented what he conceived

to be its advantages as a mode of argument, in most attractive language; and Bacon wrote, to convince the world, that the only true style of argument is in induction; but neither is the author of the style with which each one's name seems to be in the mind of the world so intimately connected, unless writing upon a subject already well known, and presenting it in attractive form and language, makes one the author of that subject; an authorship which surely none may justly claim.

2ND. SYLLOGISM.

While treating next of the syllogism, I will endeavor by examples and illustrations, to show there is a close relation in idea between Induction and the Syllogism, and that when properly understood they harmonize with each other, and together add grace, force, and beauty, to both argument and display of language.

Syllogism is a species of argument consisting of three propositions, the first two of which are termed the major and minor premises, and the last the conclusion. And it is so expressed that if the premises are true or

admitted to be correct, the conclusion or inference claimed, necessarily follows. It is of little or no practical use in the discovery of truth, but assists vastly in the embellishment of argument, and in instructing, or conveying truth to others.

Examples.

No plant has the power of locomotion;
An oak is a plant;
Therefore an oak has not the power of locomotion.

No human invention is perfect;
Every language is a human invention;
Therefore no language is perfect.

Whatever thinks is a spiritual substance;
The mind of man thinks;
Therefore the mind of man is a spiritual substance.

That which sacrifices truth and kindness to very weak temptations, is above all other vices, inconsistent with the character of a social being;

Envy sacrifices truth and kindness to very weak temptations;

Therefore envy is, above all vices, inconsistent with the character of a social being.

Every indictment in a criminal proceeding,
and every declaration or petition in a civil

action, involves a syllogism, express, or implied.

Example in a criminal proceeding.

In the indictment are either express or implied, the averments; to-wit:

Major premiss: Whoever does or perpetrates a certain thing (describing it), violates law, and is guilty of a certain crime (naming it);

Minor premiss: Such a person (naming him) perpetrated the crime named in the major premiss (stating with particularity the act done, with date and place, to identify the accused to a certainty with the offense charged);

Conclusion: Therefore, the person named in the minor premiss, is guilty of the crime named in the major premiss, and is liable to the punishment prescribed by law.

Examples in a civil action; to-wit: a controversy at law between private individuals.

Major premiss: Whenever one employs another to do certain work under special contract as to the price of wages, and the work is completed according to contract, the employer is liable in law for the wages agreed upon with interest and costs of suit;

Minor premiss: B employed A to do certain work for him with an agreed price as to wages, and A did the work according to contract, and B refuses (or neglects) to pay A what is due him;

Conclusion: Therefore, A is entitled to prosecute B at law and recover judgment for the amount due him on the contract specified in the minor premiss, with interest and costs, and to have process of law to enforce its collection.

Major premiss: Whoever engages another to work for him without agreement as to price, and the work is done according to contract, is liable in law to pay for the work done what it is reasonably worth;

Minor premiss: B employed A to work for him without agreement as to the amount of wages to be paid, and A did the work according to contract, and his wages are reasonably worth so much money (naming it);

Conclusion: Therefore, A is entitled to recover judgment against B for the reasonable value of his wages as named in the minor premiss, with interest and costs of suit, and to process of law to enforce the collection.

Induction and the syllogism proceed in opposite directions. Induction from some quality found in certain individuals of a class, infers that same quality to exist in every member of the class; it infers from particulars some general conclusion. The syllogism from a certain quality which it assumes to exist in a class infers that each individual of that class possesses the same quality.

Induction proves and infers. The syllogism assumes and deduces. But in moral reasoning, the syllogism is valueless unless its premises are capable of proof, or belong

to that category of ideas, termed "self-evident truths."

Illustration.

In the Syllogism,

"All vegetables will burn,
Wood is a vegetable,
Therefore wood will burn,"

we can know the truth of the premises by the inductive process only, and the worth of our induction depends entirely on the merit of our previous experiments and investigations. This idea is tersely expressed by Bacon in an aphorism of his "*Novum Organum*;" thus:

"The syllogism consists of propositions, propositions of words, and words are the signs of notions. If, therefore, the notions (which are the basis of the whole), be confused and carelessly abstracted from things, there is no solidity in the superstructure. Our only hope, then, is in genuine induction."

The syllogistic and inductive processes of argument are beautifully blended in the celebrated speech of Cicero for Milo who was tried for the murder of Clodius.

Cicero first announces the idea (major premiss) that whoever lies in wait to murder

another, may be lawfully killed by the one whose life is imperiled, if his safety requires it. He then adduces a number of facts and circumstances in nature and history to vindicate that idea. That is the inductive process. He next advances the idea (minor premiss) that Clodius had in fact laid in wait for Milo to murder him, though in the encounter which ensued Clodius was killed. This he enforces by referring to a number of special facts, such as that Clodius was on horseback with his sword by his side, and was surrounded with armed servants when he and Milo met on the highway; that the meeting was at a place where business called Milo and of which Clodius beforehand knew; that Milo was in a carriage with his wife and encumbered with a cloak upon him; that Clodius had on several prior occasions threatened personal violence to Milo, but Milo never to him; and that in fact Clodius commenced the affray. Having thus by the inductive process established the major and minor premises of his argument, he advances the conclusion: to-wit: that Milo was justifiable in killing Clodius; a conclusion which necessarily followed if his premises were well established.

Milo was convicted and sent into banishment notwithstanding the beauty of the syllogism, and the ability with which his defense was conducted. But if Cicero stated the facts correctly, it was an erroneous decision, and indicates what was charged at the time by the friends of Milo, that it was not an honest decision, but the result of partisan feeling and prejudice on the part of the judges, instigated by Pompey who under authority of a decree of the Roman Senate, had selected them, and who was well known to be inimical in feeling to Milo.

Also the Declaration of Independence belongs to the syllogistic system of argument, in which its minor premiss is supported inductively.

Thus the major premiss of the Declaration assumes certain things therein named to be, "self-evident truths;" to-wit: that all men are created equal, and are endowed by their creator with certain unalienable rights, among which are life, liberty, and the pursuit of happiness; that to secure these rights governments are instituted amongst men, deriving their just powers from the consent of the governed; and that whenever a government becomes destructive of these rights

and ends, it is the right and duty of the people to alter and abolish it, and to establish a new government, which will give the security required.

The minor premiss asserts that the government of Great Britain (the mother country) had by a long train of abuses and usurpations evinced a design to invalidate the rights named in the major premiss, and to place the people under absolute despotism.

This premiss (the minor) is then supported inductively by the statement of a large number of specified and alleged facts of abuses and usurpations.

And the conclusion is:

“We, therefore, the Representatives of the United States of America, in general Congress assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the name and by the authority of the good people of these colonies, solemnly publish and declare, that these united colonies are, and of right ought to be, free and independent states,” etc., etc.

The syllogism in the hands of a skillful sophist, is capable of being used to advance many fallacies; thus:

Examples.

Every one desires happiness;
Virtue is happiness;
Therefore every one desires virtue.

No evil should be allowed that good may come of it;
Punishment is an evil;
Therefore no punishment should be allowed.

White is a color;
Black is a color;
Therefore black is white.

All quadrupeds are animals;
A bird is not a quadruped;
Therefore a bird is not an animal.

A crusty old bachelor might indulge in the following fallacy:

“If a wife is beautiful, she excites jealousy;
If she is ugly, she gives disgust;
Hence, it is best not to marry.”

But a man who knows and can appreciate the worth of a true woman, especially if she be such as is described in the last chapter of Proverbs, will frequently find virtue in beauty, and will, also, often find the most charming characteristics of head and heart united with a homely face.

Whatever is based simply on human testimony is doubtful;

The existence of the pyramids of Egypt rests on human testimony;

Therefore the existence of the pyramids of Egypt is doubtful.

Eating and drinking are necessary to support life;

Vitellus expended his wealth in procuring luxuries for his table;

Therefore Vitellus expended his wealth in procuring what was necessary to support life.

He who cannot act otherwise than he does, deserves no credit however good his actions may be;

A benevolent hearted man who has the means to execute his wishes, cannot do otherwise than give alms to the poor;

Therefore a benevolent hearted man deserves no credit for his charities and alms deeds.

3D. ANALOGY.

Analogical argument is often resorted to when the higher degree of moral evidence is not attainable. Analogy is not a similarity of things, but a similarity or agreement of relations.

When we say as one is to ten, so is ten to a hundred, we reason (says Quintillian) by analogy. Analogy is properly a resemblance

of ratios in which we argue from one thing to another which are not themselves alike, but stand in similar relations to other things. Thus (for an illustration given by Whately), "an egg and a seed are not in themselves alike, but bear a like proportion to the parent bird and to her future nestling on the one hand, and to the old and young plant on the other respectively." By analogy we compare the fins of a fish to the wings of a bird, both being used for motor power, though the animals they belong to reside in different elements. By analogy we infer that the planets are inhabited, because they get their light from the sun as the earth does, and revolve on their own axis, and revolve around the sun as the earth does; are subject to the laws of gravitation as the earth is, and are supposed to have atmospheres as the earth has; and finding them so similar to the earth in many regards, and holding such like relations to the sun, we infer that they, too, through the wisdom of the beneficent Creator of all, are inhabited by various orders of living creatures.

Analogy is an unsafe mode of reasoning, and is allowable only where known facts

fail. It is often resorted to by lawyers who when they cannot find a precedent in law exactly in point, aim to find some other case bearing more or less relation in law and argument, to the one in controversy.

Whoever wishes to become learned in this species of reasoning, may consult "Butler's Analogy" with advantage.

4TH. VARIOUS OTHER DESIGNATIONS OF ARGUMENT.

There are other designations of argument, the more prominent of which are as follows; to-wit:

Argumentum a priori, which is reasoning from cause to effect; thus: knowing the earth is a non-transparent body, we infer, with certainty, that when it gets between the moon and the sun, there will be a lunar eclipse; from our knowledge of the skill of the general, we anticipate his success in military exploits; from the knowledge of a motive, we frequently anticipate the conduct of an individual; from our knowledge of the nature of beasts of prey, we anticipate and avoid their ferocity; knowing that fire burns, we anticipate its consequences, and seek to confine it within safe limits; and, indeed,

whenever we anticipate anything, we may be said to reason *a priori*, or by causation;

Argumentum a posteriori, from effect to cause, by which we look through the wonders of nature to a Divine origin; by which, from the uniform success of a general, we infer his skill; by which a fact in controversy is inferred by our knowledge of collateral facts which have a connection with it, more or less remote, which in law is termed circumstantial evidence;

Argumentum ad hominem, based on the character and conduct of an adversary;

Argumentum ad crumenam, an appeal to the purse, of which the speech of Demetrius, the silversmith, is an apposite example;

Argumentum ad ignorantium, an exposure of the ignorance of your opponent;

Argumentum ad verecundiam, an appeal to some respectable authority which your opponent will be inclined to admit, or cannot contradict without prejudice to his cause;

Argumentum ad iudicium, an appeal to unbiased reason;

Argumentum ad populum, an appeal to the passions and prejudices of the multitude, and is generally construed in a bad sense;

Argumentum a fortiori, so much the more; with greater reason; to-wit:

1. "Consider the lilies of the field, how they grow; they toil not; neither do they spin; and yet I say unto you, that even Solomon in all his glory, was not arrayed like one of these.

"Wherefore, if God so clothe the grass of the field, which to-day is, and to-morrow is cast into the oven, shall He not *much more* clothe you, O ye of little faith?"

2. "Behold the fowls of the air; for they sow not, neither do they reap, nor gather into barns; yet your Heavenly Father feedeth them. *Are ye not much better than they?*"

3. "If the felon who robs on the highway, deserves the punishment of death, this retribution is due *so much the more* to the wretch, who has committed parricide."

Argumentum baculinum, club law, conviction (or rather pretence of conviction) which is the result of force;

Argumentum ab inconvenienti, unsuited to circumstances, or as St. Paul expressed it, when he said, all things were lawful for him, but all things were not expedient;

Argument direct, which shows by immediate and direct evidence, or argument, the agreement, or repugnancy, between the subject and predicate of the proposition in question;

Argument indirect, which establishes the truth of one or more ideas or propositions by showing the error or falsehoods of the

one or ones to which they are opposed. Thus in a criminal prosecution where the defense rests on an *alibi*, the proof that the person accused was not present when the crime was perpetrated, but elsewhere, will acquit him, unless it be shown by the prosecution that he either instigated, or was in some way accessory to the crime committed. An ancient philosopher, under this species of argument, confuted a skeptic who denied the existence of God, by the following apt syllogism:

“The world is either self-existent, or the work of some finite, or infinite being;

But it is not self-existent, nor the work of a finite being:
Therefore it is the work of an infinite being.”

Under this head comes also what is termed in logic a *reductio ad absurdum*, which leads to, or involves an absurdity, of which the dilemma propounded to Pyrrho, the ancient skeptic, is an example. He had asserted that no one can have certain knowledge of anything. One of his friends answered him, thus:

“You either know what you say to be true, or you do not know it;

“If you do know it to be true, that very knowledge proves your assertion to be false;

"If you do not know it to be true, you do wrong to assert it, since no one has a right to assert what he does not know to be true;

"Therefore, in either case, you do wrong to assert, that no man can have certain knowledge of anything."

CONFIRMATION.

The confirmatory part of a speech should be spoken with deliberation, earnestness, and gravity, and the least attempt at wit, or humor, here, is calculated to impair the weight and dignity of argument. But in the confutation part, as the object is to disparage and not to magnify, the shafts of wit, irony, ridicule, anecdote, and sarcasm, may be often used to advantage.

The argument should, as a general rule, follow immediately after the statement of the case; but there may be occasions when it should in part precede the statement of the case. Thus if the exordium shall have failed to procure an attentive and impartial hearing from the audience, it may be advisable to advance cautiously with arguments of an equivocal character, so expressed as seemingly to coincide at least in part with the notions and prejudices of the hearers, but ultimately tending to the advocacy of

your side of the question. If this apparently partial yielding of a part of your views to the ideas and prejudices of the audience, shall incline it to give you an impartial hearing, then you may state the case and announce the side you intend to advocate; but should be careful to do so in the least offensive manner. A little innocent wisdom has often extricated speakers from unpleasant positions. St. Paul turned this idea into good account when about to be torn into pieces by an infuriated mob, by crying out that he was a Pharisee, and because of his belief in the resurrection of the dead he was called in question and his safety imperiled. This drew a portion of the crowd (and perhaps the larger portion) to his side, who said what, "if a spirit or an angel has spoken to him." Paul was, indeed, a believer in the resurrection of the dead, and hence as far as he spoke, he told the truth to the crowd; but had he added that he believed in the resurrection as taught by the Nazarene and His disciples, he would hardly have escaped from the vengeance of his enemies.

As already stated, the argument should, as a general rule, follow immediately after the statement of the case; but whether the con-

firmation or confutation, shall come first, depends much on the experience and judgment of the speaker. If the speech is of the nature of a lecture, or of a discourse, which is not to be replied to, system and order seem to require that the affirmative arguments should be advanced before the negative should be considered; and in case of a public discussion, as it is incumbent on the party holding the affirmative to open the discussion, he should, in system and fairness, state fully the confirmatory arguments before he closes his address.

The speaker should never start out with a weak argument, for first impressions often control, and an unsound argument at the start may impress the hearer with the idea that you are either trying to impose on his credulity, or presuming on his ignorance, and thereby prejudice him against you.

Cicero's plan usually was to advance one of his best arguments at the commencement, to be followed by others of a less specious character, and to conclude with a strong argument; and he compared the arrangement of the argumentative part of his speech to a bridge with the massy abutments resting

against either side of the stream, and the piers or lesser structures between them.

Quintillian approves of Cicero's plan in regard to the introduction of arguments, and recommends the same order to be observed by an advocate in the introduction of evidence; to-wit: "that the strongest be placed first and last; for the former dispose the judge to believe him, and the latter to decide in his favor."

But if in a general discussion your antagonist shall have advanced arguments of a formidable character, and yet has been so indiscreet as to have advocated other positions, also, which are unsound and easy of confutation, it will usually be advisable to reserve your confirmatory arguments, and your reply to those of your opponent of apparent merit, until you shall have exposed and refuted to the comprehension of all, what he has said of a clearly sophistical character.

It is dangerous to advance an unsound argument under any circumstances, since if exposed so that the hearer fully comprehends its untenable points, he will accept whatever else comes from you, however good it may be, with close scrutiny and suspicion.

If you choose to commence with an expose and confutation of the arguments of your opponent, you should not pursue them too far, lest you give character to his speech, and induce the audience to suppose there is a good deal of merit in what he said, else you would not expend so much time in opposition. But having answered and confuted in as brief terms as possible what seemed to be his leading ideas, you should pass to your own side of the question, remarking as you do so, that you will hereafter refer again to the arguments of your opponent, if you should in the mean time regard them as worthy of further consideration.

If your opponent has advanced ideas which are not relevant, nor material to the issue in controversy, it is useless to expend time in refuting them, even if they should be ever so sophistical; and the shortest way to get rid of them is to re-state the issue, and then briefly show their inapplicability.

In all portions of your speech, but especially in the argumentative part,

“Be brief, be pointed; let your matter stand,
Lucid in order, solid, and at hand;
Spend not your words on trifles, but condense;
Strike with the *mass* of thoughts, not *drops* of sense;

Press to the close with vigor once begun,
And leave (how hard the task!), leave off when done."

Again,

"Words are like leaves; and where they most abound,
Much fruit of sense beneath is rarely found.
False eloquence, like the prismatic glass,
Its gaudy colors spread on ev'ry place;

* * * * *

But true expression, like the unchanging sun,
Clears and improves whate'er it shines upon;
It gilds all objects, but *it alters none*."

BURDEN OF PROOF.

There is in all questions of controversy and discussion what is termed the burden of proof, which makes it incumbent on a party advocating the affirmative of an idea or issue, to sustain the same by a preponderance of argument or evidence as the case may require. If there be no such preponderance in favor of the affirmative it must fail; or if the argument or evidence on either side is simply balanced, and there is no preponderance, yet should the decision be given to the negative, because it is not required to do more than to meet affirmation with denial; to hold its own against aggression.

In law cases, known as civil causes, or suits simply between private parties, a mere preponderance of evidence though it may not generate full and satisfactory belief, is yet sufficient to authorize a verdict for the party in whose favor the weight and credibility of evidence preponderates. But in criminal causes the law in its tenderness and regard for liberty, life, and reputation, will not authorize a verdict of guilty however much the evidence may preponderate against the accused, unless it generates full belief of his guilt to the exclusion of every reasonable doubt. Thus, though the weight of the evidence tend to criminate the accused, yet if there exists in the evidence and fairly deducible from it, any fact, circumstance, or hypothesis, which may reasonably account for the crime imputed to the accused consistently with his innocence, the existence of such fact, circumstance, or hypothesis, creates in law a reasonable doubt which demands an acquittal of the accused. The law in its benignity considers it better that one hundred guilty persons should escape than one innocent man be made to suffer; and the history of criminal jurisprudence replete as it is with instances of con-

victions of innocent parties on evidence which at the time of trial seemed to warrant such convictions, but afterwards discovered to be erroneous, manifests the wisdom of the law in requiring an acquittal unless the evidence amounts to "moral certainty," which though not equal to, borders close on mathematical demonstration.

DUTY OF LAWYERS.

It may not here be out of place to indulge in a few remarks especially concerning the duty of lawyers in their practice as counsel and advocates. An attorney who properly appreciates the dignity of his profession, will never engage in either the prosecution or defense of a cause at law, unless it commends itself to his reason as just and honorable to so do, irrespective of the fee involved.

But as it is with other occupations and professions, so unfortunately is it also sometimes in the practice of the law, that here and there is occasionally to be found a member of the bar who has no conception of the value of the law beyond its capacity to earn money, and who in his desire for money,

when he cannot succeed in a suit by just and honorable means, will resort to every species of rhetorical artifice and subterfuge to win a cause and circumvent an adversary.

"To be as wise as a serpent and harmless as a dove," is a maxim no less applicable to the practice of the law than to that of religion, and no one need expect to arrive at eminence in his profession as a lawyer, nor in any other pursuit of a controversial character, unless he is learned in the artifices and devices which may be resorted to in argument by an unscrupulous opponent. He should learn them not to practice them, but to anticipate and avoid them, or to expose, and by exposure, destroy their influence when they have been perpetrated.

Examples of Fallacies.

1. Unquestionably the most important of the fallacies to be guarded against, is the one known in law as a "false issue," and designated in logic as "misapprehension of the question," which, under the head of statement of the case (*ante*), is sufficiently there commented upon for practical purposes, with examples given for illustration, and need not therefore be here repeated.

This fallacy is not always perpetrated by design. Frequently speakers who have not trained their minds to

close habits of thought, will unconsciously wander from the question under discussion, and ramble off into the wildest fields of digression, much to the disgust of intelligent hearers.

2. An execrable fallacy, or more properly speaking, dishonest artifice, is where a speaker intentionally misrepresents the argument of his opponent, or imputes to it a tendency which does not fairly belong to it, but is calculated to excite popular prejudice and odium.

Speakers unlearned in the meaning of words, or careless in their expressions, are liable to have this fallacy perpetrated upon them, and hence the student who would aspire to the position of an advocate or teacher, should before he assumes either of those garbs, become learned in the true signification of words and the rules of grammar, and habituate himself to think closely, and to speak with precision.

3. Near allied in idea to the last referred to artifice, is where the advocate selects one or two of the weakest of the arguments of his opponent, and assumes and asserts that on them, and them only, hinge and depend the merits of the case in controversy; and then engages in a labored confutation of them, and having succeeded to his wish, demands a decision in his favor on the general merits of the case. The danger of this artifice should warn all speakers against risking an unsound argument under any circumstance whatever.

4. There is a figure of speech termed "Epimone" which will be more specially noticed hereafter, the purpose of which is to render some word or thought ridiculous by its frequent repetition, and showing its grotesque character as an element of argument. But sometimes from the frequent repetition of a thought, is deduced one

of the most subtle fallacies known to language. This fallacy is often resorted to by unscrupulous men during the excitement of political contests, when some idea or point is assumed without proof to the detriment and prejudice of a man or party; and though it may have no just foundation for support, yet is dwelt upon and commented on so frequently, that the ignorant assume that the charge must be true, else it would not receive so much consideration; they apply to the matter under consideration the old adage: "That where there is so much smoke there must be some fire."

5. Nearly related in idea to the last mentioned fallacy is where in a law trial the evidence of facts, or questions of law, are complicated, and it requires much research to ascertain which side is entitled to success. Here the unscrupulous but astute advocate will avoid the point or points which make against him, and seek by every art of language and argument he can command, to turn the investigation into the channel of thought which tends to support his side of the question, repeating it, and pressing it forward, with great apparent candor and earnestness; and here having the vantage ground, he is almost certain of success, if his opponent, less skilled in polemics, accepts the point thus made, or issue, or issues thus tendered, as the one or ones on which the result of the controversy hinges, and makes a labored argument against them. A prudent soldier will hardly desert the walls of a fortification to go out and fight with an adversary on equal terms in the open field; nor will a wise advocate neglect to properly present and press the point or points which best support his side of the controversy, to engage in a wrangling dispute over irrelevant questions presented by his adversary. Many a suit at-law has been lost through the incompetency of the attorney, in neglecting, or not

properly appreciating, a certainty, to contend over an uncertainty.

"What boots success in skirmish or in fray,
If rout and ruin following, close the day.

* * * * *

He who would win his cause, with power must frame,
Points of support, and look with steady aim;
Attack the weak, defend the strong with art,
Strike but *few* blows, but strike them *to the heart*."

6. Nearly allied to the last named artifice, "is the art of skillfully dropping part of a statement, when the reasoner finds he cannot support it, and going on boldly with the remainder as if he still maintained the whole."

7. The *argumentum ad hominem* is a frequent source of fallacies, especially in legal and political discussions. It occurs where one contestant retorts upon his opponent that his own conduct on a prior occasion, or occasions, was in opposition to the rule of conduct, or measure he advocates in the present discussion. That retort may be true as regards the individual, but has no argumentative value in regard to the subject under discussion. An inconsistent character may, and often does, advance the most truthful arguments, while others noted for consistency of moral or other conduct, can hardly advance a good argument on any subject. Where the question under discussion does not in itself relate to the conduct of one of the contestants, any reference to such conduct is irrelevant, and is an attempt to excite prejudice at the expense of truth.

8. A fallacy which is especially dangerous in a discussion before a mixed or ignorant audience, is where the proposition under consideration is of a complex character, and some of its terms being valid in argument and others unsound. Here the speaker who advocates the affirmative of the issue in controversy, will, if he discriminates prop-

erly, advocate such terms and ideas only as can withstand the crucial test of logical criticism, and disclaim all others. But unfortunately there are no inconsiderable number of men who put themselves forward as speakers, and some of them of considerable education, too, "with heads full of learned lumber," and yet so obtuse in intellect as to be hardly able to discriminate between what is good or bad in argument, or to perceive what is the real point in controversy; and who advocate and argue heedlessly every point involved as though the loss of one would involve the defeat of all.

Here an unscrupulous opponent, if astute in argument, will avoid the strong points of the argument on the affirmative of the issue, and seizing on the weak ones only, refute them in detail with apparent zeal and confidence, and claim the meed of success on the pretense that all the terms of the proposition discussed constitute unity in idea, and must all stand, or all go down together, as when a link in a chain is broken, the chain must necessarily separate.

9. There is a fallacy called, "Begging of the question," which consists in assuming as true the question under discussion, or in offering as evidence of its truth a change of words having substantially the same meaning. Thus to the question, Why does morphia produce sleep? Answer: Because of its soporific quality. The word "soporific" means sleep-causing. Hence when we say morphia produces sleep because of its soporific quality, we say simply in idea that morphia produces sleep, because it produces sleep. The following are other examples of this fallacy; to-wit: Why does opium relieve pain? Answer: Because it is an anodyne; to-wit: it relieves pain because it relieves pain; the word anodyne meaning a capacity to relieve pain. Why does grass grow? Answer: Because

of its vegetative power; to-wit: it grows because it grows; the word vegetative signifying growing, or having the power to grow. A proper knowledge of the meaning of words, will always readily detect the fallacy of such answers, as soon as uttered; and yet in common conversation there is no impropriety of language more frequently perpetrated.

10. A fallacy not often resorted to in law debates, but ingenious in its application when used, is called, "Reasoning in a circle," which "assumes one proposition to prove another, and then rests the proof of the first on the evidence" or argument of the second. The following are examples of this fallacy: A pertinent example was stated by MARCY, Judge, in the case of *Starbuck vs. Murray*, 5th Wendell R., 148. Plaintiff had sued defendant on a judgment of another state for \$393.36, in which there had been no personal service by notice or summons on defendant, but certain of his property had been attached, and the record erroneously certified that defendant had appeared as a party to the suit. Defendant pleaded that he was not served with process and did not appear to the suit. Plaintiff demurred to this plea because the instrument sued upon says he did appear to the suit, and this he verified "by the record." This said MARCY, "Is reasoning in a circle." The fact which defendant puts in issue is the validity of the record; and plaintiff replies that the paper declared on is a record because it says the defendant appeared, and defendant did appear because the paper is a record. And the court decided that while the record of a sister state is *prima facie* evidence of the truth of the matters it recites, yet that when the jurisdiction of the court which rendered the judgment is directly put in issue, it is like any other fact, examinable.

The Mahometans assume that the Koran is the word of God by the traditions and history of Islam, and then

claim that Islam is the true religion by the words of the Koran.

The necessarians insist that everything man does is done of necessity, by assuming that the mind acts mechanically like the body, and "that it never can act unless the motive which causes the action be greater than any other then existing in the mind. Any particular volition is then declared to be necessary, because the motive which produced it, was the strongest then in the mind."

Fatalists argue thus: a man must either do a thing, or not do it. If he does it, he does it by compulsion, and if he does not do it, he refrains from doing it by restraint.

An ancient sect of philosophers insisted that the center of the earth is the center of the universe, by this process of reasoning; to-wit: Where every physical body tends is the center of the universe. But all bodies tend towards the center of the earth. Therefore the center of the earth is the center of the universe.

ANALYSIS AND SYNTHESIS.

Analysis, which signifies taking apart, and Synthesis which signifies putting together, constitute such important elements in the discovery of truth, and in its communication to others, that one who has not made them a special study, can hardly hope to become acute in argument, or eloquent and popular in speech.

The purpose of analysis is to investigate; to search for the origin and truth of things; that of synthesis, to teach truth and knowl-

edge in a systematic and orderly form to others.

Analysis is regression, or going back; synthesis is progressive, or going forward.

By analysis the chemist disintegrates the particles of any medical mixtures, and discovers the properties of each; by synthesis he reunites those particles into their original compound, or creates, also, if he chooses, other combinations.

By analysis we discover that water is composed of two gases, united in certain proportions, called oxygen and hydrogen, each of which when in separate condition, is dangerously inflammable; by synthesis we reunite and combine those gases in the same relative proportion in which they existed before their separation, and reproduce water, always grateful to the parched tongue and fevered lips.

By analysis we discover chemical affinity to exist between substances apparently of the most dissimilar nature and characteristics; and by synthesis we unite them and form a compound essential to the comforts of civilized life. Seldom perhaps does the face of beauty reflect that the sweetly scented toilet soap, which is to be found in

her dressing-room, is composed of caustic lye, and the grease used to give easy friction to the axle of the farmer's wagon.

By analysis we separate the terms of a proposition, and accept the true, and reject the false. Thus, in the proposition, "Cæsar was brave and humane," we analyze the incidents of his life, and find he truly was a brave man; but also find that he invariably sacrificed humanity to advance his selfish interests; and, we, therefore, conclude, that if he were at times humane, it was only because he supposed it was not his interest to be otherwise.

Unfortunately for the certainty of language and argument, the subject and predicate of propositions are not always simple, consisting of but one term or word for each subject, and one term or word for each predicate; nor are the terms always univocal, or meaning the same thing. Indeed they are frequently equivocal, or subject to several meanings; sometimes they are relative, or to be understood only by their relationship or reference to some other thing or person; and sometimes they are concrete, which indicates a thing, and also its qualities, or a person, and also his mental characteristics.

Frequently also terms are complex, consisting of several words for a subject, or several words for a predicate, part of which may be true, and the other part false, as is illustrated by the proposition concerning Cæsar; and sometimes propositions are what is termed "compound," which consists of two or more simple ones united in one sentence or question, a part of which (as in the case of complex terms), may be true, and a part false; and, hence, there is an inevitable necessity for the use of analysis in every species of investigation and reasoning; there is nothing which is, or can be the subject of thought or discussion, but needs its helping hand.

Lord Chesterfield in a letter to his son in 1748, said:

"Examine carefully and reconsider all your notions of things; analyze them, and discover their component parts; weigh the matter upon which you are to form your opinion in the equal and impartial scale of reason. It is not to be conceived how many people capable of reasoning, if they would, yet live and die in a thousand errors from laziness; they will rather adopt the prejudices of others, than give themselves the trouble of forming opinions of their own."

SECTION 4.

Peroration.

The peroration is the concluding portion of the speech, in which is briefly recapitulated the arguments advanced, for the purpose of impressing them more lastingly on the minds of the hearers; and also, for the purpose of exciting their sympathies and moral sentiments, if the subject and occasion be such as legitimately to admit of it. Man is an emotional as well as rational creature, and often when argument convinces but fails to move to deeds, a proper appeal to his moral and emotional nature will induce him to the performance of the most honorable and heroic actions. Campbell in his "Philosophy of Rhetoric," says:

"To say that it is possible to persuade without speaking to the passions, is but, at best, a kind of specious nonsense. * * * To make me believe, it is enough to show me that things are so; to make me act, it is necessary to show me that the action will answer some end. * * * You assure 'me it is for my honor.' Now you solicit my pride. * * * 'You say it is for my interest.' Now you bespeak my self-love. 'It is for the public good.' Now you rouse my patriotism. 'It will relieve the miserable.' Now you touch my pity. So far, therefore, is it from being an unfair method of persuasion to move the passions, that there is no persuasion without moving them."

An appeal then to man's passions and emotional nature, is allowable on proper occasions; such as to advance the cause of truth, honesty, honor, and, indeed, all the train of human virtues; but should never be indulged in for purposes not sanctioned by morality and religion.

The speech of Tertullus against St. Paul, contains a neat and concise exordium and statement of the case. And the speech of St. Paul in his defense before Agrippa, contains each of the essential divisions of a speech, expressed in the most touching and animating terms. The rival speeches of Demosthenes and Æschines in their great contest concerning Ctesiphon, commonly called the "Orations on the Crown," and of Cicero in defense of Milo, show wonderful art as well as eloquence, containing each in consecutive order, the exordium, statement of the case, argument, and peroration. These speeches should be specially studied by the student of oratory, if for no other purpose than to learn by example the rules of rhetoric. Lord Chesterfield, one of the first orators of his age, in a letter to his son, in 1752, specially commends to him the study of the speeches of Cicero and Demos-

thenes, "to learn by their *exordia* how to engage the favor of the audience, and by their *perorations*, how to leave a strong impression on the minds and passions of the hearers."

The speech of Socrates before his judges, as related by Plato, who was present at the trial, contains the essential divisions of an oration, though Socrates had had but little experience in public speaking; his teaching having been mostly conversational. But in vindication of moral conduct and principles; in exposition of human relations and religious duty; in exaltation of good sentiment, and nobility of thought, it probably has never been excelled by speech of mortal man.

The speech imputed to him which is frequently found in school books, is copied from Xenophon, who was in Sparta when the trial occurred, and who wrote it as it was related to him by a third party. It is but an epitome of the speech as delivered, and though it contains several beauties and excellencies, gives but a faint idea of the eloquence and other merits of the original.

I do not think any one can read the speech as found in Plato, without rising from

the task, improved and strengthened in his moral and religious principles and nature.

The perorations of the following speeches sparkle with gems of rhetorical talent; to-wit: Cicero in defense of Cluentius; Cicero against Cæcilius; Cicero in his concluding speech against Verres; Erskine in defense of Hardy; Curran in defense of Rowan; Sheridan on the impeachment of Hastings; Burke on American taxation; Lord Chatham on the removal of troops from Boston; Campbell on the impeachment of Judge Chase; Mr. Pinckney on the treaty making power; Webster on the Panama mission; Webster in his second speech in reply to Hayne on the Foote resolution; Webster in defense of Judge Prescott; Mr. Clay on the "Expunging resolution," and his address after his resignation in Congress, and return to Kentucky, in 1842.

It is deemed appropriate to close this portion of the essay, with the following from "Cicero de Oratore," relative to the divisions of a speech and its delivery; thus:

"An orator must first find out what he has to say; he must then distribute and range it, not only in order, but also with reference to its importance; he is next to clothe and embellish it by his expression; he is then to imprint

it in his memory, and lastly to deliver it with gracefulness and dignity. Before one enters on the main subject, he should endeavor to gain the affections of his hearers. In the next place the fact is to be represented, the case is to be stated, and the speaker then proceeds to prove his allegations; he next proceeds to confute what has been advanced by the other party; and at the conclusion of his speech whatever makes in his favor he is to magnify and improve, and whatever makes against him he is to weaken and extenuate."

"But the effect of all these particulars depends upon action. * * For nature has given every passion its peculiar expression in the look, the voice, and the gesture; and the whole frame, the look and the voice of a man, are responsive to the passions of the mind, as the strings of a musical instrument are to the fingers that touch them. For as the musical instrument has its different keys, so every voice is sharp, full, quick, slow, loud, or low, and each of these keys have different degrees, which beget other strains, such as the smooth, and the sharp, the contracted and lengthened, the continued and interrupted, the broken and divided, the tender, the shrill, and the swelling; all these require to be managed with art and discretion. And the orator makes use of them, as the painter does of his colors, to give variety to his piece.

"Anger has a peculiar pronunciation, which is quick, short, and broken:—

'My brother gives me his advice
To tear my tender children with my teeth.
O what a cursed wretch must I be then!'

"And the following:

'Ah! mark you this quick! bind him.'

"The tone of pity and grief is different; it is full, moving, broken, and mournful.

'Where shall I turn me? Whither shall I fly?
To my paternal seat, or Pelias' daughters?'

"And,

'O my father! O my country! O the house of Priam!'

"Fear is low, diffident, and humble:

'With what variety of wretchedness
Am I surrounded! sickness, exile, want.'

"Vehemence demands a strain that is intense, strong, and majestically threatening.

"Pleasure is diffusive, soft, tender, cheerful and gay.

"All action depends upon the passions of which the face is the picture, and the eyes the interpreters. For this is the only part of the body that is expressive of all the passions.

"If you have not a good voice, whatever nature has given you ought to be cherished. It is certain that in speaking, nothing tends more to acquire an agreeable voice than frequently to relieve it, *by passing from one strain to another*; and nothing tends more to destroy it, than a continued violent straining."

CHAPTER III.

FIGURES OF SPEECH.

FIGURES of speech, rhetorically considered, signify a deflection of words from their ordinary use and signification. They are a departure from the simplicity of language, and may consist in the use of certain words specially to convey an idea different from their ordinary signification, or of a combination of words into a sentence or discourse different from ordinary speech or composition, but calculated to make a startling and vivid impression.

They are the result usually of ardent feeling or active imagination, though sometimes they are used solely for ornament of composition.

When properly used, they give grace and power to oratory, and, indeed, beautify and strengthen every species of composition.

Though figures of speech signify a departure from the simplicity of language, gener-

ally, yet sometimes they are considered in a more limited sense, as *tropes* or *figures of words*, and *figures of thought*.

Figures of words consist in using a word to signify something different from its original meaning, as, James has a fine *taste* in wines. Here the word *taste* has its common literal meaning. James has a fine *taste* for painting, poetry, or music. Here the word *taste* is used figuratively. To the upright there ariseth light in darkness; here the word *light* is used figuratively for *comfort*, and *darkness* for *adversity*. Figures of *thought* are as follows:

1. METONOMY.

Which is used to express, 1st, the cause for the effect; 2d, the effect for the cause; 3d, the container for the thing contained; 4th, sign for the thing signified:

Examples.

"They read Milton," meaning Milton's works; "grey hairs should be respected," meaning old age should be respected; "the kettle boils," meaning the water in the kettle boils; "he addressed the chair," meaning the person in the chair; "they have Moses and the prophets," meaning they have the teachings of Moses and the prophets; "in the sweat of thy face shalt thou eat bread," to-wit: by thy

labor and industry shalt thou procure thy food; "the earth was also corrupt before God," meaning that the inhabitants of the earth were corrupt; "my son give me thy heart," *i. e.*, thy affection; "he was the sigh of her secret soul," to-wit: the youth she loved; "O Jerusalem, Jerusalem, thou that killest the prophets," etc., meaning the inhabitants of Jerusalem who killed the prophets, etc.

2. SYNECDOCHE.

This expresses a whole for a part, a genus for a species, a species for a genus and an attribute for a subject.

Examples.

"I see a fleet of twenty sail," meaning twenty ships; the horse (an individual) is a noble animal" (which is a genus); "the animal (which is a genus) is a wolf," (which is an individual); "the youth of the village are numerous," meaning the young persons of the village are numerous; "they smote the city," meaning that they smote the people of the city.

3. EXCLAMATION.

This figure is always the effect of strong emotion or passion.

Examples.

"O God! O joyful day!"

"What a piece of workmanship is man! how noble in reason! how infinite in faculties!"

"O that I had in the wilderness a lodging place of way-faring man! O that I had wings like a dove! then would I fly away and be at rest."

"O sadness thou hast no wisdom for the bereaved!"

"How doth the city sit solitary that was full of people!"

"Woe to thee Chorazin! Woe to thee Bethsaida!"

"To arms! they come! the Greek! the Greek!"

"Remember March; the ides of March remember!"

"Away slight man!"

"Fie, fie, for shame! away! away!"

4. COMPARISON.

This expresses in words the resemblance between two objects, whether real or imaginary, and the word "like," is generally used to express the simile, though the word "as" is occasionally used for the same purpose.

Examples.

"The kingdom of Heaven is *like* a mustard seed."

"Sorrow *like* a cloud on the sun, shades the soul of Clessamour."

"Pleasant are the words of the song, said Cuchullin, and lovely are the tales of other times; they are *like* the calm dew of the morning on the hill, when the sun is faint on its side, and the lake is settled and blue in the vale."

"Sweet are the uses of adversity,
Which *like* the toad ugly and venomous,
Wears yet a precious jewel in her head."

"When I remember all,
The friends so linked together,
I've seen around me fall,
Like leaves in wintry weather;
I feel *like* one who treads alone
Some banquet hall deserted,
Whose lights are fled, whose garland's dead,
And all but he departed."

"If music be the food of love, play on;
Give me excess of it, that surfeiting,
The appetite may sicken, and so die.
That strain again;—it had a dying fall.
O, it came o'er my ear *like* the sweet south,
That breathes upon a bank of violets,
Stealing, and giving odor."

"I have ventur'd
Like little wanton boys that swim on bladders,
This many summer in a sea of glory,
But far beyond my depth."

"The christian graces are *like* perfumes, the more they are pressed the sweeter they smell; *like* stars that shine brightest in the dark; *like* trees, which, the more they are shaken, the deeper root they take, and the more fruit they bear."

Buckingham's denunciation of Cardinal Wolsey, contains two apt comparisons, and also two metaphors; thus:

"*Buckingham.* To the king I'll say it; and make my

vouch *as strong as shore of rock*. Attend. This holy *fox*, or *wolf*, or both, for he is equal ravenous, *as he is subtle*."

The following from a work of romance, entitled "Her Lovers," by the gifted Miss Sue Clagett of Keokuk, Iowa, contains a gem of comparison, and is in almost every word highly figurative:

"The beautiful morning was quite cloudless, save one long rosy finger which stretched along the horizon and pointed to the coming day. Slowly the great red sun slid up from behind the walls of the world. The thistledown as it sleepily swings in the summer air is not so gentle as he; the tornado as it crashes through forests and sweeps over seas is not so resistless. *Like* a young God he stepped forth from the caves of the morning, and standing tip-toe upon the quivering edge of the horizon surveyed the dewy delicious world."

In the following from Wastell are to be found, perhaps, more instances of the figure under consideration than can be found elsewhere in the same space of English literature:

"*Like* as the damask rose you see,
Or *like* the blossom on the tree,
Or *like* the dainty flower of May,
Or *like* the morning to the day,
Or *like* the sun, or *like* the shade,
Or *like* the gourd which Jonas had,
E'en such is man—whose thread is spun,
Drawn out and cut, and so is done.

The rose withers, the blossom blasteth,
The flower fades, the morning hasteth,
The sun sets, the shadow flies,
The gourd consumes—and man he dies!
Like to the grass that's newly sprung,
Or *like* a tale that's new begun,
Or *like* the bird that's here to-day,
Or *like* the pearled dew of May,
Or *like* an hour, or *like* a span,
Or *like* the singing of a swan,
E'en such is man;—who lives by breath,
Is here, now there, in life and death.
The grass withers, the tale is ended,
The bird is flown, the dew's decended,
The hour is short, the span not long,
The swan's near death,—man's life is done!"

"How fleet is a glance of the mind!
 Compared with the speed of its flight,
The tempest itself lags behind,
 And the swift-winged arrows of light."

"The Assyrian came down *like* the wolf on the fold,
 And his cohorts were gleaming in purple and gold,
And the sheen of their spears, was *like* stars on the sea,
 When the blue wave rolls nightly on deep Galilee.

"*Like* the leaves of the forest when summer is green,
 That host with their banners at sunset were seen,
Like the leaves of the forest when autumn hath blown
 That host in the morning lay withered and strown."

"Whereunto shall we *liken* the kingdom of heaven?
or with what comparison shall we compare it? It is *like*
a grain of mustard seed, which, when it is sown in the
earth is less than all the seeds that be in the earth; but
when it is sown it groweth up and becometh greater than

all herbs and shooteth out great branches, so that the fowls of the air may lodge under the shadow of it."

"At first *like* thunder's distant tone,
The rattling din came rolling on."

"Give ear, O ye heavens, and I will speak; and hear O earth, the words of my mouth. My doctrine shall drop *as* the rain, my speech shall distil *as* the dew; *as* the small rain upon the tender herb, and *as* the showers upon the grass." *From the Canticle of Moses.*

"For all flesh is *as* grass, and the glory of man *as* the flower of grass. The grass withereth, and the flower thereof falleth away, but the word of the Lord endureth forever."

"Who is she that looketh forth *as* the morning, fair *as* the moon, clear *as* the sun, and terrible *as* an army with banners?" *From Solomon's Song.*

"Therefore, whosoever heareth these sayings of mine, and doeth them, I will *liken* him unto a wise man which built his house upon a rock, and the rain descended, and the floods came, and the winds blew, and beat upon that house, and it fell not, for it was founded upon a rock.

"And everyone who heareth these sayings of mine and doeth them not, shall be *likened* unto a foolish man, which built his house upon the sand, and the rains descended, and the floods came, and the winds blew, and beat upon that house, and it fell; and great was the fall of it." *From Sermon on the Mount.*

NOTE.—Should any one wonder why there are so many scriptural quotations in this Essay, the answer is; I sought the best literary gems I could find for examples and illustrations; and that considering the Bible simply as a literary work (and aside from all religious bearing), I know of no other work either modern or ancient to compare with it in beauty of sentiment, strength of thought, or ornament of language. I speak this not from religious prejudices, but from a simple regard to truth and fair dealing.

5. METAPHOR.

A comparison is a similitude expressed in words; a metaphor is a similitude expressed in thought. To say that a certain man is *like* a fox, is a comparison; to say that a certain man is a fox, is a metaphor; and both expressions mean the same thing; to-wit: that the person referred to possesses those attributes of craft, treachery, and cunning, peculiar to the fox.

Examples of Metaphor.

"The soldiers were *lions* in combat."

"He is a *pillar* of state."

"I am the *rose* of Sharon and the *lily* of the valley."

"The *lion* of the tribe of Judah."

"For I know this, that after my departure, shall grievous *wolves* enter in among you not sparing the *flock*."

"The *proud pillar* of their independence has been shaken down, and the whole *moral fabric* lies in ruins."

"Ye are the *salt* of the earth. * * Ye are the *light* of the world." Matthew, ch. 5, vs. 13, 14.

Christ to depict in strong terms the leading traits in Herod's character, called him a fox:

"Go ye and tell that *fox*," etc. Luke, ch. 13, vs. 31, 32.

The following contains a notable example of the figure under consideration, followed by two expressive figures of comparison:

York. Of Salisbury, who can report of him;
That *winter lion*, who, in rage, forgets
Aged contusions and all brush of time;
And, *like* a gallant in the brow of youth;
Repairs him with occasion? This happy day
Is not itself, nor have we won one foot
If Salisbury be lost."

Rich. My noble father,
Three times to-day I help him to his horse.
Three times bestrid him, thrice I led him off,
Persuaded him from any further act:
But still where danger was, still there I met him;
And *like* rich hangings in a homely house,
So was his will in his old feeble body."

Second part, scene 3d, of King Henry VI.

In the following, "danger" is first personified, and next with Cæsar's name is expressed metaphorically:

"*Danger* knows full well,
That Cæsar is more dangerous than he.
We were *two lions* litter'd in one day,
And I the elder and more terrible:
And Cæsar shall go forth."

Elisha magnifies Elijah metaphorically; thus:

"My father, my father, the *chariot of Israel*, and the *horsemen thereof*."

"Life is an *isthmus* between two eternities."

6. ALLEGORY.

A metaphor usually consists of one word. An allegory is really a metaphor in amplification, or as it is usually expressed, a metaphor continued.

To say that a man is a fox, or a lion, or other figurative idea, expressed by a single word, is metaphorical, but to extend the idea, expressive of the various attributes of the character imputed, into a sentence or discourse, is an allegory. The 80th Psalm contains a most beautiful and pertinent example; thus:

Examples.

"Thou hast brought a *vine* out of Egypt; Thou hast cast out the heathen and planted *it*. Thou preparest room before *it*, and did'st cause *it* to take deep root, and *it* filled the land. The hills were covered with the shadow of *it*, and the boughs thereof were like the goodly cedars. *She* sent out her boughs unto the sea, and *her* branches unto the river. Why hast Thou broken down *her* hedges, so that all they which pass by the way do pluck *her*? The boar of the wood doth waste *it*, and the wild beast of the field doth devour *it*. Return, we beseech Thee, O God of Hosts; look down from Heaven, and behold and visit this *vine*."

Longfellow in his poem, entitled "*By the Seaside*," furnishes a beautiful example of the allegorical species of literature; thus:

"Thou, too, sail on, O Ship of State!
 Sail on, O Union, strong and great!
 Humanity with all its fears,
 With all the hopes of future years,
 Is hanging breathless on thy fate!
 We know what Master laid thy keel,
 What Workmen wrought thy ribs of steel;
 Who made each mast, and sail, and rope,
 What anvils rang, what hammers beat,
 In what a forge, and what a heat
 Were shaped the anchors of thy hope!
 Fear not each sudden sound and shock,
 'Tis of the wave and not the rock;
 'Tis but the flapping of the sail,
 And not a rent made by the gale!
 In spite of rock and tempest's roar,
 In spite of false lights on the shore,
 Sail on nor fear to breast the sea!
 Our hearts, our hopes, are with thee,
 Our hearts, our hopes, our prayers, our tears,
 Our faith triumphant o'er our fears,
 Are all with thee,—are all with thee!"

The following from Isaiah is also of the allegorical character:

"My well-beloved hath a vineyard in a very fruitful hill, and he fenced it and gathered out the stones thereof and planted it with the choicest vine, and built a tower in the midst of it, and also made a wine-press therein. And

he looked that it should bring forth grapes, and it brought forth wild grapes.

“And now, O inhabitants of Jerusalem, and men of Judah, judge I pray you betwixt me and my vineyard. What could have been done more to my vineyard that I have not done in it? Wherefore when I looked that it should bring forth grapes, brought it forth wild grapes?

“And now go to; I will tell you what I will do to my vineyard; I will take away the hedge thereof, and it shall be eaten up, and break down the wall thereof, and it shall be trodden down. And I will lay it waste; it shall not be pruned, nor digged; but there shall come up briers and thorns. I will also command the clouds that they rain no rain upon it.

“For the vineyard of the Lord of hosts is the house of Israel, and the men of Judah his pleasant plant; and he looked for judgment, but behold oppression; for righteousness, but behold a cry.”

Bunyan's *Pilgrim's Progress* is generally termed by literary persons an allegory; but can it justly bear that signification? It is indeed a fiction, and very elegant in both thought and language, where under assumed names and circumstances, the truths of a religious life are vividly pictured. But fiction is not necessarily allegory. If it were, all writings of romance would be more or less of an allegorical character. To be allegorical, it must be metaphorical as well as fiction. It seems to me that the “*Pilgrim's*

Progress" is more properly described as a parable, which indicates a supposed history of something real in life or nature, and which though a fiction, contains within it a latent truth, useful especially to enforce and illustrate moral and religious ideas and doctrines. I feel that I am right in the idea that the work referred to, is not an allegory, but a parable, by the examples of the New Testament, concerning the ten virgins, the man who went to Jericho and fell amongst thieves, the sower who went out to sow, and the rich man and Lazarus, each example of which is conceded universally to be a parable.

There is a marked difference in idea between the fable and allegory, and yet loose thinkers sometimes confound them in speech. A fable is generally expressed in simple language, without metaphorical or other figurative expressions, and indicates a fiction based on the supposed actions of brutes and inanimate things usually to please or amuse, but sometimes to enforce some useful truth or precept. The alleged conversation between the body and its members, related by Menenius Agrippa to induce the commons to return to Rome, and the assumed talk of

the trees inviting the bramble to be king over them related in Judges (Ch. 9), are familiar examples. Æsop's fables, the delight of every young person, and frequently also the instructor of the old, constitute remarkable instances of the species of composition called, "Fable."

7. HYPERBOLE.

This is an expression which for the purpose of giving special significance to an idea, represents things as much greater or less, stronger or weaker, faster or slower, better or worse, than they really are, or will, or can be.

Examples.

He is as slow as a snail.

He is as strong as an ox.

"If a man can number the dust of the earth, then shall thy seed also be numbered."

Cassius to excite the envy and indignation of Brutus, and induce him to engage in the conspiracy against Cæsar; thus:

"Why man he doth bestride the narrow world
Like a colossus, and we petty men
Walk under his huge legs, and peep about
To find ourselves dishonorable graves."

"The sky shrunk upward with unusual dread,
And trembling Tiber, dived beneath his bed."

"Here Orpheus sings; trees moving to the sound,
Start from their roots, and form a shade around."

"With fury driven,
The waves mount up and wash the face of Heaven."

The foregoing figures of speech are generally known and understood by all, being common more or less to every day conversation and general literature, and it is therefore not deemed necessary to expend more time in the selection of examples for their illustration; but those other figures of speech which will be next treated of, belong peculiarly to the domain of oratory, especially to what is termed impassioned public speaking; and to them more attention will be given and more examples be furnished. And the student of oratory who would wish to attain a high rank in his profession, will do well to study them thoroughly.

8. RHETORICAL DIALOGUE.

"Rhetorical dialogue," is a term which I saw some years ago in a French treatise on Rhetoric. I do not remember of having seen

it elsewhere. It is a powerful instrument in the hands of an expert orator for both embellishment and argument. It is easier to explain by examples, than by definition, and yet I will venture upon one; to-wit: an argument by interrogation and answer, which may relate to the speaker himself, or to some other person or persons. Examples will best illustrate its force and beauty. Thus; Demosthenes, in an address to the Athenians:

“Tell me, will you still go about and ask one another, what news? What can be more astonishing news than this, that the man of Macedon makes war upon the Athenians, and disposes of the affairs of Greece? Is Philip dead? No, but he is sick. What signifies to you whether he be dead or alive? For if anything happens to this Philip, you will immediately raise up another.”

Cicero in his defense of Cluentius denounces Stalenus who had received a large sum of money from one Oppianicus to bribe the judges, and represents him as talking to himself, as follows:

“When the poor perfidious wretch saw so large a sum of money laid up in his house, he began to revolve in his mind every sort of cunning and fraud. Said he, must I give it to the judges? In that case what shall I get myself but damage and infamy? Can I contrive no means by which Oppianicus must be condemned? Why not? There is nothing in the world that cannot be managed

somehow. If any chance delivers him from danger, must I not return the money? Let us then drive him on headlong and crush him in utter ruin."

Cicero in his defense of P. Sylla, nephew of the dictator of the same name, who was being tried for treason; said:

"When the conspiracy was at its height, when Cataline was starting for the army, and Lentulus was being left in the city, where, O, Cornelius, was Sylla? Was he at Rome? No, he was far away. Was he in those districts to which Cataline was hastening? No, he was at Naples."

The following from the speech of Patrick Henry before the Virginia House of Burgess in opposition to British encroachments, equals, if it does not excel in spirit and energy, the best efforts of antiquity:

"Has Great Britain any enemy in this quarter of the world to call for all this accumulation of navies and armies? No sir, she has none. They are meant for us; they can be meant for no other. * * Shall we try argument? We have been trying that for the last ten years. * * Shall we resort to entreaty and humble supplication? What terms shall we find which have been not already exhausted? * * The war is inevitable, and let it come. I repeat it, let it come. * * Gentlemen may cry peace, peace, but there is no peace. The war is actually begun! The next gale that sweeps from the north will bring to our ears the clash of resounding arms! Our brethren are already in the field! Why stand we here

idle? What is it that gentlemen wish? What would they have? Is life so dear or peace so sweet as to be purchased at the price of chains or slavery? Forbid it, Almighty God! I know not what course others may take; but as for me, give me liberty or give me death."

Remarking upon the foregoing extract from the speech of Demosthenes, Longinus, in his treatise on the sublime; says:

"This method of questioning and answering to one's self, imitates the quick emotions of a passion in its birth, * * and is of wonderful efficiency in prevailing upon the hearer, and imposing upon him a belief, that those things which are studied and labored, are uttered without premeditation, in the heat and fluency of discourse."

A notable example is found in the 15th Psalm, which is as truthful in thought as it is beautiful in expression; thus:

Question. "Lord who shall abide in Thy tabernacle?
Who shall dwell in Thy holy hill?

Answer. "He that walketh uprightly, and worketh righteousness, and speaketh the truth in his heart: he that backbiteth not with his tongue, nor doeth evil to his neighbor, nor taketh up a reproach against his neighbor: in whose eyes a vile person is contemned, but he honoreth them that fear the Lord: he that sweareth to his own hurt, and changeth not: he that putteth not out his money to usury, nor taketh reward against the innocent: *he that doeth these things shall never be moved.*"

Extracts from the Koran:

"He who taketh his lust for his God; canst thou be his guardian? They are no other than like the brute cattle. Dost thou not consider the works of the Lord, how He stretched forth the shadows before sunrise? If He had pleased He would have made it immovable forever."

* * * * *

"Woe unto every slanderer and backbiter, who heapeth up riches and prepareth for the time to come. He thinketh that his riches will render him immortal. *By no means.* He shall surely be cast into al Hotama. And what is al Hotama? It is the kindled fire of God."

* * * * *

"What thinkest thou of him who denieth the future judgment as falsehood? It is he who pusheth away the orphan, and stirreth not up others to feed the poor. Woe be unto those who pray, and play the hypocrite, and deny necessities to the needy." *Koran.*

"What went ye out into the wilderness to see? A reed shaken with the wind? But what went ye out for to see? A man clothed in soft raiment? Behold, they that wear soft clothing are in kings' houses. But what went ye out for to see? A prophet? yea, I say unto you, and more than a prophet. For this is he of whom it is written, 'Behold, I send my messenger before thy face, which shall prepare thy way before thee.'" *Matthew, Ch. 11, vs. 7, 8, 9, 10.*

"Canst thou by searching find out God? Canst thou find out the Almighty unto perfection? It is as high as Heaven; what canst thou do? deeper than hell; what canst thou know? *Job, Ch. 11.*

"The mother of Sisera looked out at a window, and cried through the lattices: Why is his chariot so long in coming? Why tarry the wheels of his chariots? Her wise ladies answered her, yea; she returned *answer to herself*; have they not sped? have they not divided the prey; to every man a damsel or two; to Sisera a prey of divers colors, a prey of divers colors of needle-work, of divers colors of needle-work on both sides, meet for the necks of them that take the spoil? So let all thine enemies perish O Lord; but let them that love Him be as the sun when he goeth forth in his might." *Judges, Ch. 5.*

"And I fell unto the ground and heard a voice saying unto me, Saul, Saul, why persecutest thou me? And I answered, who art thou Lord? And he said unto me, I am Jesus of Nazareth whom thou persecutest. And I said, what shall I do Lord? And the Lord said unto me, arise, and go into Damascus, and there it shall be told thee of all things which are appointed for thee to do."

"King Agrippa, believest thou the prophets? I know that thou believest."

"But Zion said, the Lord hath forsaken me, and my Lord hath forgotten me. Can a woman forget her sucking child, that she should not have compassion on the son of her womb? *Yea, they may forget, yet will not I forget thee.*" *Isaiah, Ch. 49.*

"What shall we say then? Shall we continue in sin that grace may abound? God forbid. How shall we that are dead to sin, live any longer therein? Know ye not that so many of us as were baptised into Jesus Christ were baptised into his death?" *Romans, Ch. 6.*

"Else what shall they do which are baptised for the dead, if the dead rise not at all? why are we then baptised for the dead? * * * But some will say how are the dead raised up? and with what body do they come? Thou fool, that which thou sowest is not quickened except it die. * * * So also is the resurrection of the dead. It is sown in corruption, it is raised in incorruption. * * * It is sown in weakness, it is raised in power. It is sown a natural body, it is raised a spiritual body. There is a natural body, and there is a spiritual body. * * * For this corruptible must put on incorruption, and this mortal must put on immortality. So when this corruptible shall have put on incorruption, and this mortal shall have put on immortality, then shall be brought to pass the saying that is written, Death is swallowed up in victory. O death where is thy sting? O grave where is thy victory?"

Bridaine, an eminent French clergyman of the last century, in a sermon on eternity; thus:

"What foundation, my brethren, have you for supposing your dying day at such a distance? Is it your youth? 'Yes,' you answer, 'I am as yet but twenty, but thirty.' Sirs, it is not you who are twenty or thirty years old; it is death which has advanced twenty or thirty years towards you. Observe; Eternity approaches. Do you know what this eternity is? It is a pendulum whose vibration says continually,—always—ever—ever—always—always! In the meanwhile a reprobate cries out, 'What o'clock is it?' and the same voice answers, Eternity."

Massillon, another eloquent French clergyman of the last century, in a sermon, "On the mixture of the righteous and the wicked"; thus:

"The righteous deprive iniquity of every excuse. Do you say you have done no more than to follow established precedents? But have the righteous who are among you conformed to them? Do you plead the unavoidable consequences of illustrious descent? You know some, who with a name more distinguished than your own, impart sanctity to splendor. Do you plead the vivacity of your years? the weakness of your sex? Every day will show you some who, in the bloom of youth, and with all the talents suited to this world, have their minds supremely bent on Heaven. Is it the distraction of business? You may see those engaged in the same cares with yourself, who, notwithstanding, make salvation their principal concern. Is pleasure your delight? Pleasure is the first desire of all men, and of the righteous, in some of whom it is even stronger, and whose natural dispositions are less favorable to virtue than in you. Do you plead your afflictions? There are some good men distressed. Or prosperity? There are those to be met with who, amid their abundance, devote themselves to God. Or the state of your health? You discover some, who, in sickly bodies, possess souls filled with divine fortitude. Turn yourself which way you will, as many righteous, as many the witnesses, which testify against you."

From the same author last copied from:

"Who has assured you that death will not surprise you in the midst of those years which you intend to devote to the world and your passions? Upon what foundation I

ask you, do you promise yourself that age shall change your heart, and incline you to embrace a new life? Did age change the heart of Solomon? No, it was then that his passions became most violent, that his miserable frailty became most scandalous. Did age prepare Saul for his conversion? No, it was then to his other errors he added superstition, impiety, hardness of heart, and despair.

* * * Is your youth so precious that it may not be consecrated to the Supreme Being? Are you to reserve for Him only the remains of your life, and the dregs of your passions? If you act thus it will be as if you said to Him, 'Lord so long as the world shall be pleased with me I will devote myself to it. When it begins to neglect and forsake me, I will turn towards Thee, then I will say to Thee, Lo, I am here.' * * Ah! unworthy soul, who thus treatest God with such mockery and insult, dost thou believe that, in thy necessity, He will deign to accept the homage that is thus forced upon Him; the homage that is as disgraceful to His glory as it is hateful in His sight."

Junius concerning Lord Mansfield:

"Lord Hillsborough wisely confines his firmness to the distant Americans. The designs of Mansfield are more subtle, more effectual, and secure.

"Who attacks the liberty of the press? Lord Mansfield.

"Who invades the constitutional power of juries? Lord Mansfield.

"What judge ever challenged a juryman but Lord Mansfield?

"Who is it makes commissioners of the great seal? Lord Mansfield.

“Who is it that forms a decree for those commissioners, deciding against Lord Chatham, and afterwards, finding himself opposed by the judges, declares in parliament, that he never had a doubt that the law was in direct opposition to that decree? Lord Mansfield.

“Who is he that has made it the study and practice of his life to undermine and alter the whole system of jurisprudence in the court of king’s bench? Lord Mansfield.

“There never existed a man but himself who answered exactly to so complicated a description.”

THE ORATION ON THE CROWN.

Demosthenes and Æschines were the two great orators of ancient Athens, and belonging to different political parties, they allowed their rivalry to run into deep personal ill-will and hatred. Demosthenes had prosecuted Æschines on a charge of mal-conduct during an embassy to Macedon, and which, though he (Æschines) was acquitted, greatly irritated him, and he watched for an opportunity to retaliate, which he found in the act of Ctesiphon, a partisan of Demosthenes.

Ctesiphon in order to compliment and honor Demosthenes, presented a decree to the senate, to be subsequently ratified by a popular assembly, reciting generally the public merits of Demosthenes, and specially

a particular thing he had done for the good of the public, and ordering that a golden crown (consisting of a chaplet of olive interwoven with gold) should be conferred upon him by public authority; it being a custom at Athens to confer such crown upon a citizen who had performed for the republic some important service or services.

There was a law of Athens which punished severely whoever proposed a decree which contained a falsehood or falsehoods, and Æschines instigated by ill-will to Demosthenes, immediately instituted a prosecution against Ctesiphon, alleging, that the statements in his said decree in favor of the services and merits of Demosthenes were not true, but were falsehoods.

The prosecution was nominally against Ctesiphon, but its merits related to Demosthenes, because it more or less involved the whole history of his private and public life, and Demosthenes accepted the issue and took the defense of Ctesiphon upon himself.

The prosecution was commenced eight years before the trial occurred, which gave ample time for preparation for trial.

The trial was had before five hundred judges specially appointed for the occasion,

and the tribunal was surrounded by an immense crowd of the respective partisans of Æschines and Demosthenes; also learned men were there present from all the then parts of the civilized world, to witness the contest between the two most celebrated orators of that period.

Ctesiphon was acquitted, and Æschines retired to Rhodes, where he established a school of oratory, which became quite famous, and existed several hundred years after his time. It was there Cicero got the touch and finish put to his elocution and oratory.

Fortunately, the speeches of Æschines and Demosthenes concerning the crown, have escaped the ravages of time, and display everything that is eloquent, great and grand in oratory; and the student who desires to excel in oratory should study them thoroughly, not indeed, to approve or imitate the personal invectives in which they abound (which in modern times would be regarded as in bad taste), but to learn by example the appropriate parts of a speech, and to properly appreciate the beauty and strength of true oratory.

For further illustration of the figure under

consideration, a few examples from the speeches just referred to, are as follows:

From *Æschines*:

"The Lacedæmonians, in conjunction with their foreign troops had gained a victory, and cut to pieces the Macedonian forces near Carragus; the Eleans had gone over to their party, and all the Achæans, except the people of Pellene; all Arcadia, also, except the Great City; and this was besieged, and every day expected to be taken. Alexander was at a distance farther than the pole; almost beyond the limits of the habitable world; Antipater had been long employed in collecting his forces, and the event was utterly uncertain.

"In this juncture, say Demosthenes, what were your actions? What were your speeches? If you please I will come down and give you an opportunity of informing us. But you are silent. Well, then, I will show some tenderness to your hesitation, and I myself will tell the Assembly how you then spoke. * * * He rose up and cried, 'Some men are pruning the city; they are lopping the tendrils of the state; they cut through the sinews of our affairs; we are packed up and matted; they thread us like needles.'

"Thou abandoned wretch! What language is this? Is it natural or monstrous? Again you writhed and twisted your body round in the gallery, and cried out, as if you really exerted all your zeal against Alexander. 'I confess that I prevailed on the Lacedæmonians to revolt; that I brought over the Thessalians and Perriheans.'

"Influence the Thessalians! Could you influence a single village,—you who in time of danger never ventured to stir from the city; no; not from your own house? Indeed,

where any money is to be obtained, there you are ever ready to seize your prey, but utterly incapable of any action worthy of a man. If fortune favors us with some instances of success, then, indeed, he assumes the merit to himself; he ascribes it to his own address; if some danger alarms us he flies; if our fears are quieted, he demands rewards, he expects golden crowns.

* * * * *

“When this perjured man comes to demand credit to his oaths, remind him of this, that he who hath frequently sworn falsely, and yet expects to be believed on his oath, should be favored by one of these two circumstances, of which Demosthenes finds neither,—his gods must be new, or his auditors different. As to his tears, as to his passionate exertions of voice, when he cries out, ‘Whither shall I fly, ye men of Athens? You banish me from the city, and, alas! I have no place of refuge’; let this be your reply; ‘and where shall the people find refuge? What provision of allies? What treasures are prepared? What resources hath your administration secured? We all see what precautions you have taken for your own security, you who have left the city, not, as you pretend, to take up your residence in the Piræus, but to seize the first favorable moment of flying from your country; you who to quiet all your dastardly fears, have ample provision secured in the gold of Persia, and all the bribes of your administration.’”

From Demosthenes.

“Here is a decree which Æschines hath never mentioned, never quoted. But because I moved in the senate that the ambassadors of Macedon should be introduced, he inveighs against me as highly criminal. What should I have done? Was I to move that they should not be introduced?

the men who came purposely to treat with us? Was I to forbid that any seats should be appointed for them in the theatre? Why they might have purchased seats, at the common trifling price. Was I to show my concern for Athens by such minute savings, while, like him and his accomplices, I sold our capital interests to Philip? No! Take my decree, which he though well acquainted with it, hath passed over in silence. Read.

* * * * *

“No! had one of the awful judges of the shades impeached me,—an Æacus, or a Rhodamanthus, or a Minos, and not this babbling sycophant, this wretched, hackneyed scrivener, he could have used no such language, he could have searched for no such insolent expressions, no such theatrical exclamations as you have now heard from this man. ‘O Earth! and thou Sun! O Virtue!’ And again, those pompous invocations,—‘Prudence! Erudition! that teaches us the just distinction between good and evil!’ Virtue! thou miscreant! What communion can virtue hold with thee or thine? What acquaintance hast thou with such things? How didst thou acquire it? By what right canst thou assume it? And what pretensions hast thou to speak of erudition? Not a man of those who really possess it, could thus presume to speak of his own accomplishments. And here I hesitate, not for want of matter to urge against you and your family, but because I am in doubt where to begin.

* * * * *

“To you, ye judges, the detail must be tedious and disgusting. Before I had uttered one word you were well informed of his prostitution. He calls it friendship and intimate connection. Thus hath he just now expressed it; ‘He who reproaches me with the intimacy of Alexander!’ I reproach thee with the intimacy of Alexander!—how couldst thou aspire to it? I could never call thee the

friend of Philip; no, nor the intimate of Alexander. I am not so mad, unless we are to call those menial servants who labor for their wages the friends and intimates of those who hire them. But how can this be? Impossible! No! I formerly called you the hireling of Philip; I now call you the hireling of Alexander; and so do all these our fellow citizens. If you doubt it ask them, or I shall ask them for you. Ye citizens of Athens, do you account Æschines the *hireling* or the *intimate* of Alexander? * * * You hear their answer."*

"*Brutus*. Remember March, the ides of March remember!

Did not great Julius bleed for justice sake?
 What villain touch'd his body, that did stab,
 And not for justice? What, shall one of us,
 That struck the foremost man of all this world,
 But for supporting robbers; shall we now
 Contaminate our fingers with base bribes?
 And sell the mighty space of our large honors,
 For so much trash, as may be grasped thus?—
 I had rather be a dog and bay the moon,
 Than such a Roman."

Pollock in his "Course of Time," uses this figure with singular beauty and forcibleness in drawing a comparison between a good spent and bad spent life, in regard to their relative enjoyments and pleasures of the

* NOTE.—The answer which the audience gave to the question of Demosthenes concerning Æschines, is not stated in the original; but the probability is, that the crowd, or the larger portion of the crowd, who were evidently on the side of Demosthenes, shouted in reply the word, "*hireling*."

world. He puts the question concerning their relative pleasures, thus:

“Whether the righteous man or sinner had
The greatest share, and relished them the most?”

He answers:

“Truth gives the answer thus, gives it distinct,
Nor needs to reason long; the righteous man.”

He then recapitulates the pleasures of the righteous man, mostly in the interrogative style, interspersed with numerous reflections in the didactic style, as follows:

“For what was he denied of earthly growth,
Worthy the name of good? Truth answers naught.
Had he not appetite, and sense, and will?
Might he not eat, if Providence allowed,
The finest of the wheat? Might he not drink
The choicest wine? True, he was temperate;
But, then, was temperance a foe to peace?
Might he not ride, and clothe himself in gold?
Ascend, and stand in palaces of kings?
True he was honest still, and charitable;
Were, then, these virtues foes to human peace?
Might he not do exploits, and gain a name?
Most true, he trode not down a fellow's right,
Nor walked up to a throne on skulls of men;
Were justice, then, and mercy, foes to peace?
Had he not friendships, loves, and smiles, and hopes?
Sat not around his table sons and daughters?
Was not his ear with music pleased? His eye

With light? His nostrils with perfumes? His lips
 With pleasant relishes? Grew not his herds?
 Fell not the rain upon his meadows? Reaped
 He not his harvests? And did not his heart
 Revel at will, through all the charities,
 And sympathies of nature, unconfined?
 And were not these all sweetened and sanctified
 By dews of holiness, shed from above?
 Might he not walk through Fancy's airy halls?
 Might he not History's ample page survey?
 Might he not, finally, explore the depths
 Of mental, moral, natural, divine?
 But why enumerate thus? *One word enough.*
There was no joy in all created things,
No drop of sweet, that turned not in the end
To sour, of which the righteous man did not
Partake; partake, invited by the voice
Of God, his Father's voice, who gave him all
His heart's desire; and o'er the sinner still,
The christian had this one advantage more,
That when his earthly pleasures failed—and fail
They always did to every soul of man—
He set his hopes on high, looked up and reached
His sickle forth, and reaped the fields of heaven,
And plucked the clusters from the vines of God."

The figure of speech called, "Interrogation," is closely connected in idea with the rhetorical dialogue; but there is this difference between them, that to the interrogation in its common form, an answer is neither expected nor given, as a few examples will illustrate:

1. From the answer of Balaam to the king of Moab:

"God is not a man that He should lie, neither the son of man that He should repent. Hath He said it, and shall He not do it? Or hath He spoken, and shall He not make it good?"

2. From the Book of Job:

"Hast thou an arm like God? Or canst thou thunder with a voice like him."

3. From a speech in a criminal prosecution:

"Has it not been proved beyond all reasonable doubt that defendant perpetrated the crime imputed to him? Does not the evidence show that he was angry at deceased and had threatened him with personal violence? Was he not seen in the vicinity where the crime was perpetrated, and at or about the time it was done? Did not the shoes found on him agree in size with the marks of shoes indented in the ground going to and coming from where the remains of the deceased were found? Were not stains of blood found on his clothes which he has failed to account for? And more than all, was not a watch found on his person proved to have belonged to deceased? With all these facts and circumstances shown by the evidence, who can doubt the guilt of the accused?"

4. From Shakespeare's play of Julius Cæsar:

"Had you rather Cæsar were living, and die all slaves, than that Cæsar were dead, to live all freemen?"

5. From Junius:

The author of Junius indulged in terrible bitterness of expression by interrogations in his attack on Lord Granby, in reply to Sir William Draper, who had volunteered his defense; thus:

"It is you, Sir William, who make your friend appear awkward and ridiculous, by giving him a laced suit of tawdry qualifications which nature never intended him to wear. You say he has acquired nothing but honor in the field. Is the ordnance nothing? Are the Blues nothing? Is the command of the army with all the patronage annexed to it nothing? * * Did he not betray the just interest of the army in permitting Lord Percy to have a regiment? And does he not at this moment give up all character and dignity as a gentleman, in receding from his own repeated declarations in favor of Mr. Wilkes?"

6. From the first speech of Cicero against Cataline:

"How far, O Cataline, wilt thou abuse our patience? How long shall thy frantic rage baffle the ends of justice? To what height meanest thou to carry thy daring insolence? Art thou not daunted by the nocturnal watch posted to secure the Palatium? Nothing by the city guards? nothing by the consternation of the people? nothing by the union of all the wise and worthy citizens? nothing by the senate's assembling in this place of strength? nothing by the looks and countenances of all here present? Seest thou not that all thy designs are brought to light? that the senators are thoroughly apprized of thy conspiracy? that they are acquainted with thy last

night's practices; with the practices of the night before; with the place of meeting; the company summoned together and the measures concerted? Alas, for our degeneracy! alas, for the depravity of the times!"

7. St. John Chrysostom, a father of the church of the 4th century, made in his youth a special study of oratory, and ultimately became the most eloquent speaker of his day. He was scarcely, if at all, inferior to Cicero in force of thought and liveliness of expression, and like him often indulged in figurative expressions. Eutropas was a patrician, and had been consul and great chamberlain to the Emperor Arcadius. He lived in a style of regal magnificence, and was arrogant in the use of authority. Falling into disfavor with the emperor, he was removed from authority, sent to prison, and his life imperiled. Chrysostom, seized on the occasion of the minister's downfall, to discourse on the vanity of human life, as follows:

"'Vanity of vanities; all is vanity.' Where is now the splendor of the consulate? where the lictors and their fasces? where the applauses, dances, banquets, and revels? where the noise of the city, and the flattering acclamations of the circus? All those things are perished; a boisterous wind has blown away the leaves, and left the naked tree tottering, and almost plucked up by the roots. Such was the violence of the storm, that when it had shaken all

the nerves, it threatened utterly to overthrow the stock. Where are now those masking friends, those health, and suppers? Where that swarm of parasites, and that flood of wine poured out from morning till evening? Where that exquisite and various artifice of cooks, those servants accustomed to say and do all that he pleased? All these were no more than a night's dream, which disappeared with the day; flowers which withered when the spring was ended; a shadow they were and so they passed; a smoke, and so they vanished; bubbles in the water, and so they burst; spiders' webs, and they were torn asunder. 'Vanity of vanities, all is vanity.' * * Who was more exalted than this man? Was he not famous for his wealth through the world? Was he not mounted up to the height of all human honor? did not all fear and reverence him? But behold him now more miserable than slaves and bondsmen; more indigent than those who beg their bread from door to door. There is no day when there is not set before his eyes swords drawn and sharpened to cut his throat; precipices, hangmen, and the street which leads to the gallows. 'Vanity of vanities, all is vanity.'"

S. From the writings of an ancient Brahmin:

"Who is like unto the Lord in glory? Who in power shall contend with the Almighty? Hath He any equal in wisdom? Can any in goodness be compared unto Him?"

Socrates taught his disciples in dialogues, in which his questions were so discreetly put, that the answers thereto necessarily compelled an admission of the truths im-

plied in them, or had to rest on error or absurdity; and lawyers who would excel in the examination of witnesses, would do well to study the dialogues of Socrates as related in Plato and Xenophon.

Lawyers frequently become wearisome to both court and jury by unnecessary repetitions of the same idea or ideas in the narrative or didactic style. If they fear that they have not been properly understood by what they have once said in the common mode of expression, it is better to repeat the idea in the interrogative form, when its novelty and change of language will be very apt to arrest attention, and secure impartial hearers.

Indeed, a lengthy speech, whether at the bar, or elsewhere, shows defective judgment, and should always be carefully avoided.

Cicero said:

"An orator should speak concisely lest he shall become wearisome, and brevity is the best recommendation of a speech."

Confucius said to his disciples when he sent them forth to teach:

"Let your speeches be short, that the remembrance of them may be long."

The Nazarene advised His disciples to make short prayers, and be not like the heathens, who thought they would be heard for their much talk.

Pope expresses himself thus:

“Distrustful sense with modest caution speaks,
And still looks home and *short* excursion makes,
But rattling nonsense in full volley breaks.”

Washington advised his nephew who was a member of the Virginia House of Burgess, to make short speeches, to be modest in his address, and to confine his remarks closely to the subject under consideration.

Jefferson said he had been a colleague of both Franklin and Washington in the Continental Congress, and he never knew either of them to speak over ten minutes at one time, and what they said was directed simply to the main point of the matter under discussion.

Cicero in his speech for M. Tullius, appeals to Lucius Quintius, the opposing advocate, to put some limit to the length of his speech, as follows:

“One thing, O Lucius Quintius, I should wish to obtain from you, which, although I desire it because it is useful

for me, still I request of you *because it is reasonable and just*—that you would regulate the time that you take to yourself for speaking, *so as to leave the judges some time for coming to a decision*. For the night before, there was no end to your speech in his defense; night alone set bounds to your oration. Now, if you please, do not do the same; this I beg of you. Nor do I beg it on this account, because I think it desirable for me that you should pass over some topics, or that you should fail to state them with sufficient elegance, and at sufficient length, but because I do think it enough for you *to state each fact only once*. And if you do that, I have no fear that the *whole day will be taken up in talking*.”

9. INTERROGATION.

The interrogation was rather fully considered under the head of “Rhetorical Dialogue,” in consequence of its near relationship to that figure of speech, and I will only add here concerning it, that it is a very energetic mode of expression, and is often indulged in by impassioned speakers, of which Patrick Henry and Mr. Clay amongst the modern, and Cicero and Demosthenes with the ancients, are striking examples.

10. PERSONIFICATION.

Personification is a very bold expression, as it attributes life and sensibility to inani-

mate objects. The following are examples of it:

“The ground *thirsts* for rain.”

“The earth *smiles* with plenty.”

Here life and action are attributed to ground and earth.

Shakespeare in his play of Julius Cæsar, causes Antony to address the dead body of the tyrant as though it were listening to him; thus:

“O pardon me thou bleeding piece of earth,
That I am meek and gentle with these butchers;
Thou art the ruins of the noblest man,
That ever lived in the tide of time.”

From Ossian:

“The sword of Gaul *trembles* at his side, and *longs* to glitter in his hand.”

From Thompson’s seasons:

“See *Winter* comes to rule the varied year,
Sullen and sad, with all his rising train,
Vapors, and *clouds*, and *storms*.”

From the Iliad:

“As when old Ocean *roars*,
And heaves huge surges to the *trembling* shores.”

From Milton:

“With such delay
Well pleased, they slack their course, and many a league,
Cheer’d with the grateful smell, old Ocean *smiles*.”

From Lucan’s Pharsalia:

“But a greater power was there in the Grecian weapons
against the Roman bodies. For the lance not content to
pass through but one side, did not cease its course, but
opening a way through both arms and through bones left
death behind and flies on; after the wound a career still
remains for the weapon.”

“The mountains *look* on Marathon—
And Marathon *looks* on the sea;
And musing there an hour alone,
I dreamed that Greece might still be free;
For standing on the Persian’s grave
I could not deem myself a slave.”

David in his poetic lamentation over the
deaths of Saul and Jonathan, gives scope to
his imagination as follows:

“From the blood of the slain the bow of Jonathan *turned*
not back, and the sword of Saul *returned* not empty.”

Sophocles in his tragedy of Philoctetes,
causes his hero to address material objects
near him, in the following plaintive expres-
sions:

"Ye harbors, ye promontories, ye haunts of the mountain beasts, ye precipitous crags, to you I speak, for I know none else to whom I might. I bewail to you the deeds, of the son of Achilles, how cruel he hath been to me."

The same author, again:

"Beam of the sun that hath shone the fairest light of all before to seven-gated Thebes; thou hast at length gleamed forth, oh! eye of golden day!"

I have often admired a beautiful personification of "*night*," to be found in "Hervey's Meditations;" thus:

"The *darkness* is now at its height, and I cannot but admire the *obliging* manner of its taking place. It comes not with a blunt and abrupt incivility, but makes *gentle* and *respectful* advances. A precipitate transition from the splendors of day to all the horrors of midnight would be inconvenient and frightful. * * Therefore the gloom rushes not upon us instantaneously, but increases by slow degrees; and *sending twilight* before as its har-binger, *decently* advertises us of its approach."

From the speech of the Doge of Venice on his trial before the Council of Ten, in Byron's Marino Faliero:

"*Doge.* I speak to Time and to Eternity,
Of which I grow a portion, not to man.
Ye elements! in which to be resolved
I hasten, let my voice be as a spirit
Upon you! Ye blue waves! which bore my banner,

Ye winds! which fluttered o'er as if you loved it,
 And filled my swelling sails as they were wafted
 To many a triumph! Thou my native earth,
 Which I have bled for, and thou foreign earth,
 Which drank this willing blood from many a wound!
 Ye stones, in which my gore will not sink, but
 Reek up to Heaven! Ye skies which will receive it!
 Thou sun! which shinest on these things, and Thou
 Who kindlest and who quenchest suns! Attest!
 I am not innocent—but are these guiltless?
 I perish, but not unavenged; for ages
 Float up from the abyss of time to be,
 And show these eyes, before they close, the doom
 Of this proud city; and I leave my curse
 On her and hers forever."

From Goldsmith:

"As some tall cliff that lifts its awful form,
 Swells from the vale and midway meets the storm,
 Though round its breast the rolling clouds are spread,
 Eternal sunshine settles on its head."

From Hudibras:

"The trenchant blade, Toledo trusty,
 For want of fighting, was grown rusty,
 And ate into itself, for lack
 Of somebody to hew and hack."

From Rogers:

"Lo, steel-clad War his gorgeous standard rears!"

From Shakespeare:

"*King Henry.* How many thousands of my poorest subjects,

Are at this hour asleep! *Sleep, gentle sleep,*
Nature's soft nurse, how have I frighted *thee*,
That *thou* no more wilt weigh my eyelids down,
And steep my senses in forgetfulness;
Why rather, *sleep*, liest thou in sucky cribs,
Upon uneasy pallets stretching thee,
And hushed with buzzing night flies to thy slumber;
Than in the perfumed chambers of the great,
Under the canopies of costly state,
And lull'd with sounds of sweetest melody?
O thou dull god, why liest *thou* with the vile
In loathsome beds, and leav'st the kingly couch,
A watch case to a common 'larum bell?
Wilt *thou* upon the high and giddy mast,
Seal up the ship-boy's eyes, and rock his brains
In cradle of the rude impetuous surge;
And in the visitation of the winds,
Who take the ruffian billows by the top,
Curling their monstrous heads, and hanging them
With deafening clamors in the slippery shrouds,
That with a hurly death itself awakes?
Canst *thou, O partial sleep*, give thy repose
To the wet sea-boy in an hour so rude
And, in the calmest and most stillest night
With all appliances and means to boot,
Deny it to a king? Then, happy low! lie down;
Uneasy lies the head that wears a crown."

From Milton:

"So saying, her rash hand in evil hour
Forth reaching to the fruit, she plucked, she ate.

Earth *felt* the wound, and Nature, from her seat
Sighing through all her works, gave *signs of woe*
 That all was lost."

From Percival:

"The world is full of poetry. The air
 Is living with its spirit; and the waves
 Dance to the music of its melodies,
 And sparkle in its brightness."

"THE REAPER AND THE FLOWERS.

"There is a reaper whose name is Death,
 And, with his sickle keen,
 He reaps the bearded grain at a breath,
 And the flowers that grow between.

"'Shall I have naught that is fair? saith he;
 Have naught but the bearded grain?
 Though the breath of these flowers is sweet to me
 I will give them all back again.'

"He gazed at the flowers with tearful eyes,
 He kissed their drooping leaves;
 It was for the Lord of Paradise,
 He bound them in his sheaves.

"'My Lord hath need of these flowers gay,'
 The Reaper said, and smiled;
 'Dear tokens of the earth are they,
 Where he was once a child.'

"'They shall all bloom in fields of light,
 Transplanted by my care,
 And saints upon their garments white,
 These sacred blossoms wear.'

“And the mother gave, in tears and pain,
The flowers she most did love;
She knew she should find them all again,
In the fields of light above.

“O, not in cruelty, not in wrath,
The Reaper came that day;
'Twas an angel visited the green earth,
And took the flowers away.”

Longfellow.

Ossian addresses the sun, and laments his blindness which prevents him from seeing its glory; thus:

“O thou that rollest above, round as the shield of my fathers! Whence are thy beams, O Sun! thy everlasting light! Thou comest forth in thy awful beauty; the stars hide themselves in the sky; the moon, cold and pale, sinks in the western wave; but thou thyself movest alone. Who can be a companion of thy course? The oaks of the mountain fall; the mountains themselves decay with years; the ocean shrinks and grows again; the moon herself is lost in Heaven: but thou art forever the same, rejoicing in the brightness of thy course. When the world is dark with tempests, when thunder rolls and lightning flies, thou lookest in thy beauty from the clouds, and laughest at the storm. But to Ossian thou lookest in vain, for he beholds thy beams no more; whether thy yellow hair flows on the eastern clouds, or thou tremblest at the gates of the west.

“But thou art perhaps like me for a season; thy years will have an end. Thou shalt sleep in thy clouds careless of the voice of the morning.

“Exult then, O Sun in the strength of thy youth! age is

dark and unlovely; it is like the glimmering light of the moon when it shines through broken clouds and the mist is on the hills; the blast of the north is on the plain; the traveler shrinks in the midst of his journey."

The following from the pen of Iowa's gifted poetess, "Kate Harrington," is a beautiful example of the figure under consideration:

"WHAT ARE THE SNOW-FLAKES.

"Say, whence come the snow-flakes—the pure, fleecy
snow-flakes,

That flutter so softly, so tremblingly by?
Are they foam from the ocean of ether above us,
Or petals from roses that blow in the sky?
Do seraphs who wander beside the still waters,
Or linger, entranced, in fair bowers above,
Keep culling the leaves of the blossoms around them
To scatter them earthward as tokens of love?

"Are they down that the beautiful angel of summer,
At parting, so noiselessly shakes from her wings?
Or heralds sent forth by the glittering Frost King
To tell of the jewels he so lavishly brings?
Oh! I sometimes half dream, as I watch the flakes
falling,
That 'tis Purity's self gliding down from the skies,
'Till meeting our earth-damps of sin and pollution,
They melt her to tears and of pity she dies."

“Love,” as one of the chief influences of the human mind, is beautifully personified by Scott’s “Last Minstrel”; thus:

“In peace, *Love* tunes the shepherd’s reed,
 In war, *he* mounts the warrior’s steed;
 In halls, in gay attire is seen,
 In hamlets, dances on the green.
Love rules the court, the camp, the grove,
 And man below and saints above;
 For *love* is heaven, and heaven is *love*.”

Byron personifies the ocean, and addresses it in the following expressive words and sublime thoughts:

“Roll on, thou deep and dark blue Ocean—roll!
 Ten thousand fleets sweep over thee in vain;
 Man marks the earth with ruin—his control
 Stops with the shore;—upon the watery plain
 The wrecks are all thy deed, nor doth remain
 A shadow of man’s ravage, save his own,
 When, for a moment, like a drop of rain,
 He sinks into thy depths with bubbling groan,
 Without a grave, unknelled, uncoffined, and unknown.”

* * * * *

“Thou glorious mirror, where the Almighty’s form,
 Glasses itself in tempests; in all time,
 Calm or convulsed—in breeze, or gale, or storm,
 Icing the pole, or in the torrid clime
 Dark-heaving; boundless, endless, and sublime—
 The image of Eternity—the throne
 Of the Invisible; even from out thy slime

The monsters of the deep are made; each zone
Obeys thee; thou goest forth, dread, fathomless, alone."

"Sun, stand thou still upon Gibeon, and thou moon, in
the valley of Ajalon." *Joshua x, 12.*

The application of sex to what belongs in strict language to the neuter gender, is a frequent source of personified expression. We say of the sun, *he* shines by the inherent power of his own light, and of the moon, *she* shines by reflection of the sun's rays. The earth, a country, a city, a ship, while critically neuter in language, are most frequently spoken of under a feminine designation. In strict language the term "*virtue*" is neuter in gender, and yet in rhetorical language it is often personified.

Example.

"Virtue descends from Heaven—*she* alone confers true honor upon man—*her* gifts are the only durable rewards."

11. VISION.

Rhetoric attaches to the term "vision," a meaning somewhat different from its common acceptation. In rhetoric it implies something is taking place now, which in

fact belongs to the past, or it represents something as present to the mind now, which is anticipated of the future.

Examples.

"The cries of the victims of savage vengeance, have already reached us! Already they seem to sigh in the western wind. Already they mingle with every echo from the mountains."

Cicero in one of his orations against the Cataline conspirators, says:

"I seem to behold this city, the light of the universe, and the citadel of all nations, suddenly involved in flames. I figure to myself my country in ruins, and the miserable bodies of slaughtered citizens, lying in heaps without burial. The image of Cethegus furiously revelling in your blood is now before my eyes."

In Campbell's poem entitled "Lochiel's Warning," is a most thrilling example of this figure, commencing with the lines,

"Lochiel! Lochiel! beware of the day,
When the Lowlands shall meet thee in battle array,
For a field of the dead rushes *red on my sight*,
And the clans of Culloden are scattered in flight."

Volumnia, in Coriolanus, act 1, scene 3, addresses the wife of her son, thus:

*"Methinks, I hear hither your husband's drum,
See him pluck Aufidens down by the hair;
Methinks, I see him stamp thus, and call thus—
Come on you cowards, you were got in fear,
Though you were born in Rome. His bloody brow,
With his mailed hand then wiping, forth he goes."*

"Andromache—thy griefs I dread:
I see thee trembling, weeping, captive led."

"Soldiers! from yonder pyramids forty centuries look
down upon you."

"I see the dagger crest of Mar,
I see the Moray's silver star
Wave o'er the clouds of Saxon war,
That up the lake comes winding far."

"I saw all Israel scattered upon the hills, as sheep
that have not a shepherd."

12. APOSTROPHE.

Apostrophe is an address to some absent or dead person as if he were present and listening to us, and sometimes refers to a personified object.

Examples.

"Ye mountains of Gilboa, let there be no dew, neither let there be rain upon you." * * * "Ye daughters of Israel, weep over Saul who clothed you in scarlet."

"Washington, immortal spirit! revisit and save thy country."

"O death where is thy sting? O grave, where is thy victory?"

"O you leaden messengers,
That ride upon the violent speed of fire,
Fly with false aim; pierce the still moving air,
That stings with piercing; do not touch my lord."

"*Brutus.* O Julius Cæsar, thou art mighty yet!
Thy spirit walks abroad, and turns our swords
In our own proper entrails."

"Oh, Hesperus! *thou* bringest all good things—
Home to the weary, to the hungry cheer,
To the young bird the parent's brooding wings,
The welcome stall to the o'er labored steer;
Whate'er of peace about our hearthstone clings,
Whate'er our household gods protect of dear,
Are gather'd round us by *thy* look of rest,
Thou bring'st the child, too, to the mother's breast."

Byron.

From the speech of Robert Emmet on his trial before Lord Norbury:

"O ever dear and venerated shade of my departed father, look down with scrutiny upon the conduct of your suffering son."

Cicero rejoices over the death of Clodius in the following bitter terms:

"Our sacred places themselves, by heavens, which saw this monster fall, seemed to be interested in his fate, and to vindicate their rights in his destruction. For you, ye Alban mounts and groves, I implore and attest, ye demolished altars of the Albans. * * Upon his fall your altars, your rites flourished, your power prevailed, which he had defiled with all manner of villainy. And you, O venerable Jupiter! from your lofty Latin mount, whose lakes, whose woods and borders, he polluted with the most abominable lust, and every species of guilt, at last opened your eyes to behold his destruction."

Paterculus in his compendium of Roman history, addresses the dead triumvir, Mark Antony, as if he were present and listening to him; and reproaches him for his treatment of Cicero; thus:

"But you have gained nothing, Mark Antony, you have gained nothing, I say, by paying the hire for closing those divine lips, and cutting off that noble head, and by procuring for a fatal reward, the death of a man, once so great a consul, and the preserver of the commonwealth. You deprived Marcus Cicero of a life full of trouble and

of a feeble old age; an existence more unhappy under your ascendancy, than death under your triumvirate; but of the fame and glory of his actions and writings you have been so far from despoiling him, that you have even increased it. He lives and will live in the memory of all succeeding ages. And as long as this body of the universe, whether framed by chance or wisdom, or by whatever means, which he, almost of all the Romans penetrated with his genius, comprehended in his imagination, and illustrated by his eloquence, shall continue to exist, it will carry the praise of Cicero as its companion in duration. All posterity will admire his writings against you, and execrate your conduct towards him; and sooner shall the race of man fail in the world, than his name decay."

Martial in one of his epigrams, addresses the dead triumvir, thus:

"O Antony, thou canst cast no reproach upon the Egyptian Pothinus; thou didst more injury by the murder of Cicero, than by all your proscription lists. Why did you draw the sword, madman, against the mouth of Rome! Such a crime not even Cataline himself would have committed. An impious soldier was corrupted by your accursed gold, and for so much money procured you the silence of a single tongue. But of what avail to you is the dearly bought suppression of that sacred eloquence? On behalf of Cicero the whole world will speak."

Considering that the body of the dead triumvir was hardly cold in its grave when these invectives were uttered, and that all the then civilized world was under the rule

of the tyranny which he had been active in establishing, one is at a loss whether most to admire the independent and fearless spirit of the men who thus denounced him, or the thrilling words of eloquence in which their abhorrence of his conduct is expressed.

13. ANTITHESIS.

Antithesis signifies contrast or opposition of two or more ideas, sentiments, or conceptions. It presents arguments in a very sententious, yet energetic style. The speeches of eminent orators abound in the use of this figure.

Examples.

Cicero in his second speech against Cataline, draws a comparison between his followers and those of Cataline, to the disadvantage of the latter, as follows:

"I say, if, omitting all these, we only compare the contending parties between themselves, it will soon appear how very low our enemies are reduced. On the one side modesty contends, on the other petulance; here chastity, there pollution; here integrity, there treachery; here piety, there profaneness; here resolution, there rage; here honor, there baseness; here moderation, there unbridled licentiousness; in short, equity, temperance, fortitude, pru-

dence, struggle with iniquity, luxury, cowardice, rashness; every virtue with every vice. The contest lies between wealth, and indigence; sound, and depraved reason; strength of understanding, and frenzy; between well grounded hope, and the most absolute despair. In such a conflict and struggle as this, was even human aid to fail, will not the immortal gods enable such illustrious virtue, to triumph over such complicated vice?"

Sallust in his history of the Jugurthine war, reports a speech of Marius, in hostility to certain of the nobility of Rome, in which is found the following gem of antithesis:

"Compare now, my fellow citizens, me, who am a new man, with those haughty nobles. What they have but heard or read, I have witnessed or performed. What they have learned from books, I have acquired in the field.
* * * They despise my humbleness of birth; I condemn their imbecility. My condition is made an objection to me; their misconduct is a reproach to them. * * *
They envy me the honor that I have received; let them also envy me the toils, the abstinence, and the perils by which I obtained that honor."

From Demosthenes in his reply to Æschines in the oration on the crown:

"Take, then, the whole course of your life, Æschines and of mine; compare them without heat or acrimony. You attended on your scholars; I was myself a scholar. You served in the initiations; I was initiated. You were a performer in our public entertainments; I was the director. You took notes of speeches; I was a speaker.

You were a player; I was a spectator. You failed in your part; I hissed you. Your public conduct was devoted to our enemies; mine to my country. * * * Come, then; hear me while I repeat the several attestations of these public offices which I have discharged; and in return do you repeat those verses which you *spoiled* in the delivery:

‘Forth from the deep abyss, behold I come!
And the dread portal of the dusky gloom.’

And,

‘Know, then, howe’er reluctant I must speak
Those evils——.’

“O, may the gods inflict ‘those evils’ on thee! may these thy countrymen inflict them to thy utter destruction!—thou enemy to Athens! thou traitor!”

The proverbs of Solomon, especially the 10th, 11th, 12th, 13th, and 14th chapters, abound with many beautiful and striking instances of antithesis, of which the following are examples:

“A wise son maketh a glad father; but a foolish son is the heaviness of his mother.

“A soft answer turneth away wrath; but grievous words stir up anger.

“He that trusteth in his riches shall fall; but the righteous shall flourish as a branch.

“The lip of truth shall be established forever; but a lying tongue is but for a moment.

“When the righteous are in authority, the people rejoice; but when the wicked beareth rule, the people mourn.”

Extracts from the proverbs of an ancient Brahmin:

"The hand of the generous man is like the clouds of Heaven, which drop upon the earth fruits, herbage, and flowers; but the heart of the ungrateful is like a desert of sand, which swalloweth with greediness the showers that fall, burieth them in its bosom, and produceth nothing.

"The tongue of the sincere is rooted in his heart; he blusheth at falsehood and is confounded; but the heart of the hypocrite is hid in his breast, he masketh his words in the semblance of truth, while the business of his life is only to deceive. He passeth his days in perpetual constraint; his tongue and his heart are ever at variance.

"Seest thou not that the angry man looseth his understanding? Do nothing in a passion. Why wilt thou put to sea in the violence of a storm?

"A fool is provoked with insolent speeches, but a wise man laugheth them to scorn."

From "Pollock's Course of Time":

"Wisdom is humble, said the voice of God.
'Tis proud, the world replied. Wisdom, said God,
Forgives, forbears and suffers, not for fear
Of man, but God, Wisdom revenges, said
The world; is quick and deadly of resentment,
Thrusts at the very shadow of affront,
And hastes, by death, to wipe its honor clean.
Wisdom, said God, loves enemies, entreats,
Solicits, begs for peace. Wisdom, replied
The world, hates enemies; will not ask peace,
Conditions spurns, and triumphs in their fall.
Wisdom mistrusts itself, and leans on Heaven,
Said God. It trusts and leans upon itself,

The world replies. Wisdom retires, said God,
 And counts it bravery to bear reproach,
 And shame, and lowly poverty upright;
 And weeps with all who have just cause to weep.
 Wisdom, replied the world, struts forth to gaze;
 Treads the broad stage of life with clamrous foot;
 Attracts all praises; counts it bravery
 Alone to wield the sword, and rush on death;
 And never weeps but for its own disgrace.
 Wisdom, said God, is highest, when it stoops
 Lowest before the Holy Throne, throws down
 Its crown abased, forgets itself, admires,
 And breathes adoring praise.

* * * * *

Thus did Almighty God, and thus the world,
 Wisdom define."

From Goldsmith:

"Contrasted faults through all their manners reign;
 Though poor, luxurious; though submissive, vain;
 Though grave, yet trifling; zealous, yet untrue;
 And e'en in penance, planning sins anew."

From a sermon of St. Chrysostom:

"Man troubles himself, and loses his end: he troubles himself, consumes and melts to nothing, as if he had never been born; he troubles himself, and before he attains rest, is overwhelmed; he is inflamed like a fire, and is reduced to ashes like flax; he mounts on high like a tempest, and like dust is scattered and disappears; he is kindled like a flame, and vanishes like smoke; he glories in his beauty like a flower, and withers like hay; he spreads himself as a cloud, and is contracted as a drop;

he swells like a bubble of water, and goes out like a sparkle; he is troubled and cares nothing about him but the filth of riches; he is troubled only to gain dirt; he is troubled and dies without fruit of his vexations. His are the troubles, others the joys; his are the cares, others the contents; his are the afflictions, others the fruit; his are the heart-burnings, others the delights; his are the curses, others have the respect and reverence. * * * Man is he who enjoys a life but lent him, and that but for a short time; man is but a debt of death, which is to be paid without delay; subtle in wickedness, witty in iniquity, insatiable in the desire of what is another's; a flame which quickly dies, a light which vanisheth into air, a dead leaf, withered hay, faded grass, a nature which consumes itself; to-day abounds in wealth, and is to-morrow in his grave; to-day hath his brows circled with a diadem, and to-morrow is with worms; he is to-day, and to-morrow ceases to be; immeasurably insolent in prosperity, and in adversity admits no comfort; who knows not himself, yet is curious in searching what is above him; he who is an open house of perturbation, a game of divers infirmities, a concourse of daily calamities, and a receptacle of sorrow. O how great is the tragedy of our baseness!"

Seneca's compositions were usually of the antithetical style, of which the following from his treatise on a "Happy Life," may be considered a fair example and illustration:

"Whatsoever may be will be. I am to-day safe and happy in the love of my country: I am to-morrow banished; to-day in pleasure, peace, health; to-morrow broken upon a wheel, led in triumph, and in the agony of sick-

ness. Let us therefore prepare for a shipwreck in the port, and for a tempest in a calm."

Seneca by the constant contemplation of death and the world of the hereafter, had so educated himself, that he feared no worldly misfortune which is not attended with dishonor; and when the imperial tyrant (his former pupil) sent his mandate for him to be put to death, he met the summons with the calmness of a child going to sleep on its mother's breast; he died as he lived teaching and practicing virtue.

14. EPIMONE.

"Epimone in rhetoric, signifies the pressing upon some particular word or point, and repeating it over and over again, until it is made ridiculous by the repetition."

Examples.

Mr. Sheridan in a part of his speech on his motion in 1793, to consider of certain alleged seditious practices referred to in the king's speech to parliament, replied to Mr. Wyndham, thus:

"My friend (Mr. Wyndham) has been *panic* struck, and now he *strengthens* the hands of government. Not

later than the preceding session, he would pull off the mask of perfidy, and declaimed loudly against that implicit confidence which some had argued ought to be placed in ministers. It was owing entirely to this *panic* that Mr. Wyndham now prevailed with himself to support the minister because he had a bad opinion of him. It was owing to this *panic* that a noble and learned lord (Loughborough) had given his disinterested support to government; and it was owing to this *panic* that he accepted the seals of an administration he had uniformly reprobated. But it was all owing to this *panic* that a right honorable gentleman (Mr. Burke) had lost his fine taste, and descended to the most ridiculous pantomime tricks, and contemptible juggling—such as to carry knives and daggers to assist him in efforts of description.”

In 1832, during the administration of President Jackson, the Congress of the United States passed a bill to re-charter the United States Bank, which had been originally chartered during the administration of President Madison.

President Jackson vetoed the bill to re-charter, and in his veto message indulged in some remarks to which Mr. Clay, then a member of the United States Senate took exception, and to which he replied from his place in the Senate with much warmth of thought and energy of expression. In the course of his speech addressing the president of the Senate, he uttered the following,

which is a very striking example of the figure under consideration:

"MR. PRESIDENT: There are some parts of this message that ought to excite alarm; and that especially in which the President announces that each public officer *may interpret the Constitution as he pleases*. His language is, 'Each public officer who takes an oath to support the Constitution swears that he will support it as he understands it, and not as it is understood by others.'

"Now, Mr. President, I conceive, with great deference, that the President has mistaken the purport of the oath to support the Constitution of the United States. No one swears to support it *as he understands it*, but to support it simply as it is in truth. All men are bound to obey the laws, of which the Constitution is supreme; but must they obey them as they are, *or as they understand them*? If the obligation of obedience is limited and controlled by the measure of information: in other words, if the party is bound to obey the Constitution only *as he understands it*, what would be the consequence? The judge of an inferior court would disobey the mandate of a superior tribunal, because it was not in conformity to the Constitution *as he understands it*; a custom-house officer would disobey a circular from the Treasury department, because contrary to the Constitution *as he understands it*; an American minister would disregard an instruction from the President communicated through the department of State, because not agreeable to the Constitution *as he understands it*; and a subordinate officer in the army or navy, would violate the orders of his superior, because they were not in accordance with the Constitution *as he understands it*. There would be general disorder and confusion throughout every branch of administration, from the highest to the lowest officers—universal nullification.

* * * * The President independent both of Con-

gress and the Supreme Court! Only bound to execute the laws of the one and the decisions of the other, as far as they conform to the Constitution of the United States, *as far as he understands it*. Then it should be the duty of every President, on his installation into office, to carefully examine all the acts in the Statute book, approved by his predecessors, and mark out those which he was resolved not to execute, and to which he meant to apply this new species of veto, because they were repugnant to the Constitution *as he understands it*. And after the expiration of every term of the Supreme Court, he should send for the record of its decisions, and discriminate between those which he would, and those which he would not execute, because they were or were not agreeable to the Constitution *as he understands it*."

15. IRONY.

Irony is expressing ourselves contrary to our thoughts, not with a view to deceive, but to add force to our remarks.

Examples.

Thus we can reprove one for his negligence by saying:

"You have taken great care, indeed!"

The prophet Elijah adopted this figure when he challenged the priests of Baal to a proof of their deity.

"He mocked them and said, 'cry aloud, for he is a god;

either he is talking, or he is pursuing, or he is on a journey, or peradventure he sleepeth and must be waked."

"They boast, they came but to improve our state, enlarge our thoughts, and free us from the yoke of error! *Yes, they will give enlightened freedom to our mind, who are themselves the slaves of passion, avarice, and pride.* They offer us their protection. *Yes, such protection as vultures give to lambs, covering and devouring them!*"

"Your consul is merciful; for this all thanks. He dare not touch a hair of Cataline."

"Such a virtuous and humane prince as Henry the 8th of England!"

Orleans. I know him to be valiant.

Constable. I was told that by one that knows him better than you.

Orleans. What's he?

Constable. Marry, he told me so himself, and he said he *car'd not who knew it.*"

"Oh, admirable laws of Venice!

Which would admit the wife, in the *hope*

That she might testify against the husband.

What glory to the chaste Venetian dames!"

P. Clodius was the descendant of a long line of illustrious Roman ancestors. He was a patrician by birth, and possessed a

versatile genius which he perverted to the vilest purposes, courting the lowest dregs of society and leading them into violent excesses. He was killed in a personal conflict with Milo, and while all good citizens felt that the public morals were benefited by his death, yet such was the clamour of his adherents and followers, that the Senate was compelled to put Milo on trial for the homicide. Milo was defended by Cicero who had despised and hated Clodius in his life time, and who in the course of his speech for Milo, reflected on the memory of his dead enemy in the following ironical terms:

"But it is weak in one to presume to compare Drusus, Africanus, Pompey, or myself, with Clodius. Their lives could be dispensed with; but as to the death of P. Clodius no one can bear it with any degree of patience. The Senate mourns; the knights grieve; the whole state is broken down as if with age; the municipalities are in mourning; the colonies are bowed down; the very fields even regret so beneficent, so useful, so kind hearted a citizen!"

Augustus in reply to a challenge sent him by Mark Antony to fight him in single combat:

"Tell Antony there are many other ways for him to die, than by my sword."

Junius to Sir Wm. Draper:

"An academical education has given you an unlimited command over the most beautiful figures of speech. Masks, hatchets, racks, and vipers, dance through your letters in the mazes of metaphorical confusion. These are the gloomy companions of a disturbed imagination; the melancholy madness of poetry without the inspiration.

"I will not contend with you in point of composition; you are a scholar, Sir William, and if I am truly informed, you write Latin with almost as much purity as England."

16. CLIMAX.

Climax in rhetoric signifies "a sentence, or series of sentences in which the successive members or sentences rise in force, importance, or dignity, to the close of the sentence or series."

Examples.

Erskine in his defense of Horne Tooke, thus:

"There still remains that which is even paramount to the law—that great tribunal which the wisdom of our ancestors raised in this country for the support of the people's rights—that tribunal which has made the law—that tribunal which has given me you to look at—that tribunal which is surrounded with an hedge as it were set about it—that tribunal which from age to age has been fighting for the liberties of the people, and without the aid of which it would have been in vain for me to

stand up before you, or to think of looking around for assistance."

Cicero in one of his speeches against Verres, thus:

"It is a crime to put a Roman citizen in bonds—it is the height of guilt to scourge him—little less than parricide to put him to death; what name, then, shall I give the act of crucifying him?"

"And besides this, giving all diligence, add to your faith, virtue; and to virtue, knowledge; and to knowledge, temperance; and to temperance, patience; and to patience, godliness; and to godliness, brotherly kindness; and to brotherly kindness, charity." *2 Peter, Ch. 1, vs. 5, 6, 7.*

Sir George McKenzie, a noted Scotch lawyer, engaged in the prosecution of a woman charged with murdering her own child, in address to the jury, thus:

"GENTLEMEN: If one man had anyhow slain another; if an adversary had killed his opposer; or a woman occasioned the death of her enemy; even these criminals would have been capitally punished by the Cornelian law; but, if this guiltless infant, who could make no enemy, had been murdered by its own nurse, what punishments would not then the mother have demanded? With what cries and exclamations would she have stunned your ears? What shall we say then when a woman, guilty of homicide, a mother, of the murder of her innocent child, hath comprised all these misdeeds in one single crime? a crime

in its own nature detestable; in a woman prodigious; in a mother incredible!"

The book of Ruth furnishes the following very sentimental and elegantly expressed climax:

"And Ruth said, 'Entreat me not to leave thee, or to return from following after thee; for whither thou goest, I will go; and where thou lodgest, I will lodge; thy people shall be my people, and thy God my God; where thou diest, I will die, and there will I be buried. The Lord do so to me, and more also, if aught but death part thee and me.'"

"When we practice good actions awhile they become easy; and when they are easy we begin to take pleasure in them; and when they please us we do them frequently; and, by frequency of acts, they grow into a habit." *Tillotson*.

"Wouldst thou divert thyself from melancholy?
 Wouldst thou be pleasant, yet be far from folly?
 Wouldst thou read riddles and their explanation?
 Or else be drowned in thy contemplation?
 Dost thou love picking meat? Or wouldst thou see,
 A man i' the clouds, and hear him speak to thee?
 Wouldst thou be in a dream, and yet not sleep?
 Or wouldst thou in a moment laugh and weep?
 Wouldst thou lose thyself and catch no harm,
 And find thyself again without a charm?
 Wouldst read thyself, and read thou knowest not what,
 And yet know whether thou art blest or not,
 By reading the same lines? O then come hither!
 And lay my book, thy head, and heart together."

Bunyan's Apology for his Pilgrim's Progress.

What rhetoricians of the present day term "climax," Quintillian termed "gradation," which indicates in literature, a form of speech or composition, "in which the expression which ends one member of the period begins the second, and so on until the period is finished." The following are examples quoted from Quintillian:

1. "From Jove, as they relate sprung Tantalus,
From Tantalus sprung Pelops, and from Pelops
Came Atreus, who is father of our race."
2. "Exertion gained merit to Africanus, merit glory
and glory rivals."
3. "Trials for extortion have not, therefore, ceased,
more than those for treason; nor those for treason, more
than those under the Plantian law; nor those under the
Plantian law, more than those for bribery; nor those for
bribery, more than those under any law."

Ante-climax is the reverse of climax or gradation, and signifies a sentence in which its members descend or fall in dignity and importance to the close of the series.

Examples.

He is a wise man; wise in small things; wise in his own conceit in *all* things.

He is distinguished as a military man, having risen to the rank of a 3d corporal in the army of the Potomac.

"She taught the child to read, and taught so well,
That she herself, by teaching, learned to spell."

"And thou, Dalhousie, thou great god of war,
Lieutenant-colonel to the earl of Mar."

"Some have at first for wit the poet pass'd,
Turn'd critic next, and prov'd plain fool at last."

CHAPTER IV.

GENERAL REFLECTIONS,

CONCERNING SPEECH DELIVERY, NATURAL AND ARTIFICIAL LANGUAGE, AND THE NECESSITY OF CLOSE APPLICATION TO STUDY, AND TO CONCENTRATION OF THOUGHT.

"The varying face should every passion show,
And words of sorrow wear the look of wo;
Let it in joy assume a vivid air,
Fierce, when in rage; in seriousness, severe;
For nature to each change of fortune forms
The secret soul, and all its passions warms:
Transports to rage, dilates the heart with mirth,
Wrings the sad soul, and bends it down to earth.

* * * * *

With them who laugh our social joy appears;
With them who mourn we sympathize in tears;
If you would have me weep, begin the strain,
Then shall I feel your sorrows, feel your pain;
But if your heroes are not what they say,
I sleep or laugh the lifeless scene away."

Horace.

—"The grand debate,
The popular harangue, the tart reply,
The logic, and the wisdom, and the wit,
And the loud laugh—I long to know them all."

Cowper.

"There 's a charm in deliv'ry, a magical art,
 That thrills, like a kiss, from the lip to the heart;
 'Tis the glance—the expression—the well chosen word,
 By whose magic the depths of the spirit are stirr'd—
 The smile—the mute gesture—the soul stirring pause—
 The eye's sweet expression, that melts while it awes—
 The lip's soft persuasion—its musical tone:
 Oh! such were the charms of that eloquent one."

Mrs. A. B. Welby.

"When he speaks,
 The air, a charter'd libertine, is still,
 And the mute wonder lurketh in men's ears,
 To steal his sweet and honey'd sentences."

Shakespeare.

"He ceased; the solemn silence now was broke,
 Which reigned triumphant while the hero spoke;
 And then was heard, amid the general pause,
 One simultaneous burst of loud applause."

I. T. Watson.

"What shall be said of the attendants that follow the young orator from the bar, and watch his motions to his own house? With what importance does he appear to the multitude! in the courts of judicature with what veneration. When he rises to speak, the audience is hushed in mute attention; every eye is fixed on him alone; the crowd presses around him; he is master of their passions; they are swayed, impelled, directed, as he thinks proper. These are the fruits of eloquence well known to all.

"When the orator upon some great occasion, comes with a well digested speech, conscious of his matter, and ani-

mated by his subject, his breast expands, and heaves with emotions not felt before.

"As to myself, if I may allude to my own feelings, the day on which I put on the manly gown, and even the days that followed, when as a new man at Rome, I rose in succession to the offices of quæstor, tribune, and prætor; those days, I say, did not awaken in my breast such exalted raptures as when in the course of my profession I was called forth to defend the accused; to argue a question of law before the centumviri, or in the presence of the prince to plead for his freedmen. Upon those occasions I towered above all places of profit and all preferment; I looked down on the dignity of tribune, prætor and consul; I felt within myself, what neither the favor of the great, nor the wills and codicils of the rich, can give, a vigor of mind, an inward energy, that springs from no external cause, but is altogether your own."

From the dialogue of Tacitus on oratory.

WHAT LANGUAGE IS.

Language is either natural or artificial. Natural language is simply the expression of uneducated nature, and is manifested by different tones of voice; by gesticulation; and by countenance or facial expression.

By different tones of voice; as to cry or utter plaintive sounds when hurt or oppressed with sorrow; to laugh aloud when pleased; to utter guttural sounds when displeased.

By gesticulation or movements of the

hands and arms and other parts of the body; as to beckon with the hand and arm for a person to come to you; to present your open hand with a push towards a person when you want him to go away from you, or when you wish to decline intercourse with him; to stamp with the foot, or to raise the arm in a threatening manner when in anger; to solicit a gift by extending the open hand; to embrace a person with both hands and arms to show your affection for him.

By countenance or facial expression: as to smile when gratified; to frown when displeased, and so on.

It is by natural language the brute creation communicate with each other, and express their feelings, affections, desires, and animosities.

Savages meeting who do not understand each other's artificial language, will, by motions of arms and body, tones of voice, and expressions of countenance, make known to each other with considerable clearness of comprehension their respective wants, thoughts, and notions.

Artificial language consists of words adopted by men for their convenience, to represent more perfectly their ideas, feelings,

sentiments, and desires; and in some languages words are more elegant and expressive than in others, accordingly as men are more or less advanced in civilization, and bestow more or less time upon the study and adornments of speech.

Numerous words of different formations, especially in the English language, often express the same idea or sentiment, or substantially the same; but they are not each always equally appropriate in the delivery of a speech. Euphony, or agreeableness in sound, is often of material importance in the selection of a word, or words, to create a more striking or lasting impression on the mind of the hearer.

As a general rule, *short words*, or words of one and two syllables, are more natural, and expressive than longer ones. Thus where can be found anything more neat, concise and elegant in speech, or more sublime in thought, than the following from the book of Job, which though it contains eighty-four words, has but twelve words beyond one syllable in length, and they of *only* two syllables? to-wit:

“In thoughts from the visions of the night, when deep sleep falleth upon men, fear came upon me, and trembling,

which made all my bones to shake. Then a spirit passed before my face; the hair of my flesh stood up; it stood still; but I could not discern the form thereof; an image was before mine eyes; there was silence; and I heard a voice, saying—*shall mortal man be more just than God?*"

That sublime expression, "God said let there be light and there was light," is composed entirely of monosyllables.

But sometimes longer words are more appropriate, especially in the close of a sentence, because of sound or euphony.

Next in importance to the study of words is the study of the structure and conformation of sentences.

It is said that short sentences best suit "gay and easy subjects"; and the following from Pope is a pertinent example of that species of composition:

"I writ because it amused me. I corrected because it was as pleasant to me to correct as to write. I published because I was told it might please such as it was a credit to please."

While gay and easy subjects may be best expressed in short sentences, it is equally true that the most expressive thoughts are often expressed in "brevity of speech."

Sometimes the proper explication of a

subject requires a sentence of considerable length.

“When Ajax strives some rock’s huge weight to throw,
The line too labors and the words move slow.”

Long and short sentences alternating each other give variety to expression, and are usually more agreeable in sound than when short sentences are run together, or when long sentences follow each other in quick succession.

But there is no certain rule or rules for the structure of sentences in all regards, and good natural judgment aided by literary culture is the only true criterion of the formation of a sentence, either as regards the words to be used, or its length or brevity.

The student of oratory should carefully familiarize himself with the most expressive words of his language, and in his speeches apply them in such relation as will give them their best efficiency, whether in the narrative, didactic, or interrogative style.

“Words are the soul’s ambassadors, which go
Abroad upon her errands to and fro;
They are the sole expounders of the mind,
And correspondence keep ’twixt all mankind.”

Much is to be gained in the art of public speaking, by a careful study of the speeches of the great masters of oratory, and by listening to the speeches of those, who by the common sentiment of community, have become eminent in their vocation as speakers. But no one should in his speech attempt to imitate the style of speech of any other person. Imitators will always be secondary personages. No one can give free and full vent to his thoughts and feelings, while he is at the same time seeking to clothe them in another person's apparel of expression.

Study the speeches of others for information; but let your style of expression be your own, and be as natural in the delivery of your speech as possible, because to be natural is to be graceful and pleasing to the hearers.

“First follow Nature, and your judgment frame
By her just standard, which is still the same;
Unerring nature still divinely bright,
One clear, unchanged, and universal light,
Life, force, and beauty, must to all impart,
At once the source, and end, and *test of art*.
Art from that fund each just supply provides,
Works without show, and without pomp presides.”

A graceful use of tones and modulations of voice, countenance or facial expression, and gesticulation, add much to the force and beauty of a speech, because they indicate the inner workings of the mind, though they are often resorted to when not felt, especially in stage or theatrical acting. They are very susceptible of improvement, as much so perhaps as anything else that relates to the person, or to human conduct or actions generally. Some persons are naturally graceful in countenance, tones, and gesticulations; but none are so graceful in these matters, but that they may be the subject of improvement; and the student of oratory will be careful to avail himself of the instruction of a teacher of elocution, if he can possibly have the opportunity to do so.

Cicero in his treatise "De Oratore," remarks:

"Words affect none but him who understands them; and sentiments, though they may be pointed, yet often escape a discernment that is not quick. But an action which is expressive of the passions of the mind is a language understood by all the world; for the same expressions have the same effects through all; all mankind know them in others by the same characters in which he expresses them himself."

Demosthenes amongst the Grecians, and Roscius amongst the Romans, were noted for their proficiency in the practice of natural language in connection with their speeches. Demosthenes when asked what he considered the most important point in oratory, replied, "*action*"; and when further asked what he considered the next most important point in oratory, again, replied, "*action*." He, of course, intended by what he said simply to show the advantage of proper action; to-wit: gesture, tones, modulations of voice, and so on, in the delivery of a speech, and not to disparage argument, nor its dress in appropriate language.

Cicero said of Roscius that it was a question amongst learned Romans, whether he by words, or Roscius by pantomime in acting in the theatre, could better express a thought, sentiment, or desire.

Besides naturalness in the use of action, the speaker should studiously seek naturalness in the selection and use of words, taking and using such only as are perspicuous and unambiguous. Quintillian says, "we must study not only that every hearer may understand us, but that it shall be impossible for him not to understand us."

Young speakers, especially if fertile in genius and imagination, are very apt to fall into a tawdry and bombastic style of speech; and to such I would recommend a criticism from the pen of that eminent judge, and before he went on the bench, able advocate, Hon. J. M. LOVE, in some lines he addressed to me on the general subject of forensic speaking, and which I take the privilege to quote in part as follows:

“It is the inevitable tendency of every young orator gifted by nature with a vivid imagination to mistake the pomp and glitter of words for true eloquence, instead of that simplicity and naturalness of thought and style which have characterized the efforts of all truly great speakers.

“The richer the soil the greater necessity for stern culture, to remove the wild exuberance of weeds and flowers, and prepare the ground for the real harvest that is to come.

“Mr. Webster has stated that when he first came to the bar, his style was florid and somewhat bombastic, and that he corrected this tendency, and reformed his taste, in consequence of noticing the extraordinary effects produced by the plain and unadorned simplicity of that great lawyer with whom he had to contend, the celebrated Jeremiah Mason.

“I once heard a very eminent lawyer and speaker say, that in his young days he was attracted by the gorgeousness and splendor which he found in the orations of Charles Phillips, and that when in later years, he had emancipated himself from that false taste, he could but

smile at his own youthful folly, and feel a certain degree of contempt for the idol of his uninstructed mind."

The capacity of the speaker to persuade, also much depends on his reputation for good principles and morals, since it is an instinct of the good to be influenced more by the just than the unjust; and such is the natural charm of a good life, that even the worst of men will often admire and respect that virtue in others, which they, themselves, do not possess.

Virgil (*Æn.* 1, 152), expresses himself, thus:

"As when sedition fires the ignoble crowd,
And the wild rabble storms and thirsts for blood;
Of stones and brands a mingled tempest flies,
With all the sudden arms that rage supplies:
If some grave sire appears amidst the strife
In morals strict and innocence of life,
All stand attentive, while the sage controls
Their wrath, and calms the tempest of their souls."

Demosthenes in his oration on the crown, says:

"Experience hath convinced me that what is called the power of eloquence depends for the most part on the hearers, and that the characters of public speakers are determined by that degree of favor and attention which you vouchsafe to each."

And in another part of the same speech:

“But it is not language, * * it is not the tone of voice which reflects honor on a public speaker; but such a conformity with his fellow citizens in sentiment and interest, that both his enemies and friends are the same with those of his country.”

But however ardent may be the desire of the student for oratorical success, however fluent he may be in speech, quick in wit, brilliant in imagination, and strong in thought by natural endowment, yet he will never reach the highest round in the ladder of fame, without industry, good morals, and constant, persistent, application. I know a man on whom nature showered the most munificent gifts of oratory; I mean natural capacity for speech-making. Nature gave him a bright imagination, quick and cutting wit, and a large amount of emotional and reasoning power. And his father impressed with the future promise of his son, gave him the advantage of a classical education. He selected the law for his profession, and was just starting on a successful career as a lawyer and advocate, when lured by the excitement of politics he stepped aside to engage in public discussions of a partisan character.

His speeches were greatly applauded, and he was soon known and hailed as the "boy orator." He gained a state reputation as a political speaker, and his services in that line, while yet the beard was ungrown on his chin, procured his appointment to a judicial office in the state of his nativity, and which he held for eight years with honor to himself and credit to the public.

But in the meantime there came a change in politics, and preferring principle to success, he united with the weaker side and lost his official position. He then went back to the law, and occasionally he would deliver admirable speeches; enough to show what nature had done for him. But he had while in office lost his application for study, and disinclined to undergo the fatigues of the profession, after a few years effort, withdrew entirely from the bar; withdrew from a forum where, if he had confined himself and given proper application to it, he would probably have arisen to the pinnacle of legal and oratorical fame. If he attained such high position as a speaker without application, what renown would he have reached with it?

Let young lawyers profit by his example,

and know that law is a jealous mistress, and accepts of no divided homage.

The cotemporaries of Demosthenes who envied his fame and superiority, used to urge against him that his speeches smelt of the midnight lamp. True they did. But his fame and speeches remain a monument of honor and glory to his memory, while the names of his rivals are lost mostly to history, except so far as they shine by reflection from him, or as he has casually named them in his orations.

No common genius however great his industry and application, can hope to attain to the high oratorical capacity of the great Athenian. But when we reflect upon the severe studies which Demosthenes underwent even at the tender age of eighteen years; shutting himself up three months in a cave, to be undisturbed in his practice of speaking and declamation; may we not fairly claim that while nature did much for him, yet study and art gave the finishing touch to his greatness as an orator.

Cicero would usually when time allowed, write out and commit his speeches to memory before he delivered them, even in law cases, which not one modern lawyer in a

thousand thinks of doing or ever does; and he would not engage in a law trial until after he had carefully examined the witnesses of his client, and sought every honorable opportunity to learn in advance the evidence of the opposite party, that his client should suffer no detriment by his negligence; a thing in which many lawyers of modern times are too often derelict.

Quintillian in his treatise on the education of an orator, says:

"We must frequently watch whole nights; we must imbibe the smoke of the lamp by which we study, and remain long during the day-time in garments moistened with perspiration."

Alexander Hamilton said:

"Men give me some credit for genius. All the genius I have lies just in this: when I have a subject I study it profoundly. Day and night it is before me. I explore it in all its bearings. My mind becomes pervaded with it, and the effort I make is the fruit of labor and thought."

Daniel Webster when a member of the United States Senate replied to a gentleman who pressed him to speak on a subject of great importance, as follows:

"The subject, sir, interests me deeply, but I have no time. There" (pointing to his table) "is a pile of letters to which

I must reply before the close of the session, and I have no time to master the subject so as to do it justice." "But" (said the gentleman) "a few words from you, Mr. Webster would do much to awaken attention to it." Mr. Webster replied; "If there be so much weight in my words as you represent, it is because I do not allow myself to speak on any subject until my mind is imbued with it."

Pindar (the Theban bard), in one of his odes, says;

"What bliss so 'er to man is known,
Laborious efforts gain alone."

Ovid of Latium fame, thus:

"Thistles and weeds are all we can expect
From the best soil impoverish'd by neglect;

* * * * *

What is it tunes the most melodius lays?
'Tis emulation and the thirst of praise."

Socrates in one of his discourses related by Xenophon; thus:

"He who is perfectly master of his subject will always be heard with the greatest applause. The Athenian youth bear away the prize in every contention from those sent by any other republic. Even a chorus of music going from hence to Delos exceeds beyond all comparison whatever appears from any other place. Yet the Athenians have not naturally voices more sweet, or bodies more strong, than those of other nations; but they are more ambitious of glory which always impels to generous deeds and noble undertakings."

St. Gregory Nazianzen, said:

"Nothing that is great is exempt from trial and anxiety; because it is nature that what is small and common can easily be obtained; but that which is lofty and sublime is only obtained at the price of much labor and difficulty."

Plutarch relates of Demosthenes, that in his youth he had a weakness and stammering in his voice and a want of breath, which caused such a distraction in his discourse, that it was difficult for the audience to understand him; and that he cured the defect of stammering by practicing to speak with pebbles in his mouth, and that he strengthened his voice by running or walking up hill, and pronouncing some passage in an oration or poem, during the difficulty of breath which that caused.

Plutarch further relates of Demosthenes, that he kept a looking-glass in his house before which he used to declaim and adjust all his motions, and that he could hardly ever be induced to speak in public on any subject, without first preparing his speech and committing it to memory.

Alas, how many speakers are there of the present day, who presume to speak in pub-

lic without due preparation! and how many are there who after preparation have the foolish vanity to desire that their hearers should believe they speak without premeditation! to desire that the audience should impute their utterances rather to genius exclusively, than to both genius and study!

CHAPTER V.

CONCLUDING REMARKS.

- . To excel in any art or profession requires not only a thorough knowledge of its elements and principles, but also exercise and experience in its application. Knowledge isolated may be a source of pleasure to its possessor, but unless united with practical results, it will be valueless to the world at large. The great man in any art or profession, is he who both knows and executes. A knowledge, however thorough, of the art of medicine, does not presuppose practical capacity. A knowledge, however perfect, of the theory and art of war, does not necessarily give the capacity to direct armed squadrons on the field of battle. The most accurate learning concerning agriculture, will not
· make a farmer without practice and experience. The deepest study of natural elements will not enable its possessor to reduce compounds to simples, or to show the wonders

of chemistry without long experience at the laboratory. And so of oratory; the most perfect knowledge of words; the most intimate acquaintance with the rules of grammar, dialectics, attitude, gesticulation; learning however diversified and extended, will not make an orator unless practice is united with rules and theory.

Before the invention of the art of printing, the chief mode of instruction, and giving information to the people was by public speaking. There were books, but they were in writing, and so costly that but few could buy them; and fewer knew how to read them when bought.

The orator was then one of the leaders of society, and often in competition for public favors and honors carried the palm of success against the victor of many battle-fields. It is not strange then that the orators of antiquity underwent such severe studies to obtain proficiency in their art, when success gave them such influence, and encircled their brows with so many public honors. The printing press and the consequent general diffusion of knowledge, have shorn oratory of some of its ancient prerogatives and glory. But whoever will notice the eager-

ness with which the public crowd to hear a speaker who has attained fame in his calling, whether in the pupit, at the bar, in the lecture hall, or in a public assembly of any kind, must realize the fact, that oratory still exists as one of the most exciting and powerful influences of social life.

Knowledge teaches how, but practice makes perfect; and the student of oratory must understand that if he would obtain eminence in his profession, he must not only make himself acquainted with the precepts and rules of public speaking as taught by the best instructors, on the subject, but he must also unite practice with study, and should often practice in private before he speaks in public.

After Cicero had attained the position in his twenty-sixth year of age, of being considered the equal in oratory of Hortensius who had stood for many years at the head of the Roman bar as an advocate, he felt that he was still the subject of improvement in speaking, and conceived the grand idea of withdrawing from business for a period, and going to Rhodes to become a pupil in the school of oratory established there two hundred years before, by Æschines, the famous

rival of Demosthenes on the contest concerning the "crown." He remained in that school engaged in close study and practice of speaking for two years, declaiming before his teachers two hours every day; and when he returned to Rome and again entered the forum, he stood the acknowledged master of oratory in the Roman world.

Great indeed were the natural mental endowments of Cicero; but it was not nature alone, but nature polished and refined by education, that enabled his fame as an orator to survive the marble monuments of imperial Rome, and to outlive the language which he adorned by his eloquence.

I do not believe that the human race has degenerated in its gifts of oratory. And on the contrary it is my belief based on many years of advantageous observation, that the American mind is full of oratorical talent, which needs but the spur of ambition, guided by proper study and instruction, to enable it to rival the most famous days of Greece and Rome in oratory.

Henry of Virginia, whom Byron styled,

"The forest born Demosthenes,
Whose thunder shook the Philip of the seas,"

and Clay of Kentucky, have obtained a world wide reputation as impassioned speakers; and in depth and strength of argument who has excelled Webster of Massachusetts? Yet neither studied oratory as an art; and the result is, that their speeches seldom show such graces of expression, and refinement of language, as distinguish the orators of antiquity; and as regards attitude, gesticulation, and delivery, while Clay with a natural genius peculiar to himself, was easy and graceful, Webster was stiff and formal, and Henry was awkward.

If the speeches of Red Jacket and other Indian chiefs, which are reported in the "American Speaker," a work published at Philadelphia in 1814, were in fact delivered by them, it would seem that oratory is indigenous to American soil. For what is there in history which excels them in impassioned eloquence? And strange as it may appear, the speeches of Red Jacket (untutored savage as he was) are each noted for containing in neat and expressive words, the formal parts of an oration; to-wit: exordium, statement of the case, argument, and peroration.

The human mind is a mystery which in its several phases and powers, none but God,

its author, can fully comprehend; and the human body with its several senses of hearing, seeing, smelling, tasting, and feeling; with its multiplicity of bones, muscles, tendons, ligaments, nerves, and other organs, exceeds in curious and well-ordered workmanship, all thoughts and wisdom of man. It is through this instrument (the body) that the mind, spirit, or soul, call the thinking principle and power what we may, manifests itself, at least whilst we exist in earth life. And as a musician cannot bring forth sweet and harmonious tones from a broken or defective instrument, so neither can the mind manifestations, be developed to the best advantage through a defective or diseased physical organism, especially if it relates to the brain or nerve system. Hence the student of oratory should nurse his physical system with the same regard he bestows upon his mental culture. He should exercise much in the open air and sunshine, retire in seasonable hours to bed, that by sweet and refreshing sleep, and plenty of it, the nerve system may be recuperated for the studies and labors of the ensuing day; be temperate in his diet and drink, and especially as regards intoxicating drink, for as a

gifted one of old said, "Wine is a mocker, strong drink is raging, and whosoever is deceived thereby is not wise."

Franklin, the wisest of Americans, advises as follows:

"Be studious in your profession, and you will be learned. Be industrious and frugal, and you will be rich. Be sober and temperate, and you will be healthy."

Said Seneca:

"It is my custom every night so soon as the candle is out, to run over all the words and actions of the past day; and I let nothing escape me; for why should I fear the sight of my own errors, when I can admonish and forgive myself. What infirmity have I mastered to-day? What passion opposed? What temptation resisted? What virtue acquired? * * * I was a little hot in such a dispute; my opinion might have been as well spared, for it gave offense and did no good at all. The thing was true, but all truths are not to be spoken at all times. I would I had held my tongue, for there is no contending either with fools or superiors. I have done ill, but I shall do so no more."

CONCLUSION.

Eloquence is usually defined to be, "The expression of strong emotion in appropriate language, with fluency, animation, and suitable action"; and it is here deemed proper

to conclude this essay with a panegyric upon eloquence, from that most eloquent of all orators, Marcus Tullus Cicero:

“How charming is eloquence! How divine that mistress of the universe as you call it! It teaches us what we are ignorant of, and makes us capable of teaching what we have learned. By this we exhort others; by this we comfort the afflicted; by this we deliver the affrighted from their fears; by this we moderate excessive joy; by this we assuage the passions of lust and anger. This it is which bound men by the chains of right and law; formed the bonds of civil society, and made us quit a wild and savage state.”

22

LEMr'29

Deacidified using the Bookkeeper process.
Neutralizing agent: Magnesium Oxide
Treatment Date: Nov. 2007

PreservationTechnologies

A WORLD LEADER IN COLLECTIONS PRESERVATION

111 Thomson Park Drive
Cranberry Township, PA 16066
(724) 779-2111

LIBRARY OF CONGRESS



0 021 958 271 7